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1877

HANSARD'S PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

40° & 41° VICTORIÆ, 1877.

VOL. CCXXXV.

COMPRISING THE PERIOD FROM

THE NINETEENTH DAY OF JUNE 1877,

TO

THE TWENTY-SIXTH DAY OF JULY 1877.

Fourth Volume of the Session.

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1877.

TABLE OF CONTENTS

TO

VOLUME CCXXXV.

THIRD SERIES.

LORDS, TUESDAY, JUNE 19.

SEE OF SODOR AND MAN—ADDRESS FOR A RETURN—

Moved, That an humble Address be presented to Her Majesty for, Return of the various sources from which the income of the See of Sodor and Man is derived, and its amount,—(*The Earl of Powis*) 1
After short debate, Motion *agreed to*.

COMMONS, TUESDAY, JUNE 19.

BURIALS BILL—Notice of Resolution, Mr. Osborne Morgan .. 3
RUSSIA AND TURKEY — THE WAR — THE SUEZ CANAL—Question, Mr. Dillwyn; Answer, Mr. Bourke 4

Prisons Bill [Bill 121]—

Moved, “That the Bill be now read the third time,”—(*Mr. Asheton Cross*) 4
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(*Mr. Rylands.*)
Question proposed, “That the word ‘now’ stand part of the Question:”
—After debate, Amendment, by leave, *withdrawn*.
Main Question put, and *agreed to*:—Bill read the third time, and *passed*.

Supreme Court of Judicature (Ireland) (*re-committed*) Bill—

Bill *considered* in Committee 32
After short time spent therein, it being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Friday*, at Two of the clock.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

MILITARY LAW—

Motion for a Select Committee,—(*Sir Colman O’Loghlen*) .. 38
[House counted out.]

TABLE OF CONTENTS.

COMMONS, WEDNESDAY, JUNE 20.	<i>Page</i>
Locomotives on Common Roads Bill [Bill 22]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Colonel Chaplin</i>) ..	39
After debate, Motion, by leave, <i>withdrawn</i> :—Bill <i>withdrawn</i> .	
Landlord and Tenant (Ireland) Act (1870) Amendment Bill [Bill 51]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Sharman Crawford</i>) ..	57
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	
Sale of Intoxicating Liquors on Sunday (Ireland) Bill—	
Report of Select Committee brought up ..	66
Turnpike Acts Continuance Bill—Ordered (Mr. Salt, Mr. Selater-Booth); presented, and read the first time [Bill 204] ..	67

LORDS, THURSDAY, JUNE 21.

Burial Acts Consolidation Bill—Ministerial Statement, The Duke of Richmond and Gordon; Observations, Earl Granville ..	67
<i>Metropolitan Street Improvements Bill—</i>	
<i>Moved</i> , "That the Bill be now read 2 ^a " ..	68
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly.	
Married Women's Property Act (1870) Amendment Bill—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Coleridge</i>) ..	71
Amendment <i>moved</i> , to leave out ("now") and add at the end of the Motion ("this day three months.")	
After short debate, Amendment, original Motion, and Bill (by leave of the House) <i>withdrawn</i> .	
INDIA—ESTATE OF GENERAL SOMBRE—Question, The Earl of Denbigh; Answer, The Marquess of Salisbury ..	81

COMMONS, THURSDAY, JUNE 21.

RECORDER OF DUBLIN—OFFICE OF REGISTRAR—Question, Mr. Errington; Answer, The Attorney General for Ireland ..	82
METROPOLIS—ST. MARGARET'S CHURCH—Question, Sir George Bowyer; Answer, Mr. Gerard Noel ..	83
CRIMINAL LAW—"THE PRIEST IN ABSOLUTION"—Questions, Mr. J. Cowen, Mr. Forsyth; Answers, The Attorney General ..	83
LAW AND JUSTICE—THE ASSIZES—Question, Sir Walter B. Barttelot; Answer, Mr. Assheton Cross ..	85
NAVY—H.M.S. "ALEXANDRA"—ALLEGED INSUBORDINATION—Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton ..	85
TURKEY—THE BRITISH AMBASSADOR AT THE PORTE—Question, Mr. Rylands; Answer, Mr. Bourke ..	86
ARMY EXAMINATIONS—Question, Mr. J. G. Talbot; Answer, Mr. Gathorne Hardy ..	86
INDIA—ARMY MEDICAL SERVICE—Question, Sir Colman O'Loughlen; Answer, Lord George Hamilton ..	87
SLAVE TRADE IN THE RED SEA—Question, Mr. Anderson; Answer, Mr. A. F. Egerton ..	88
ARMY—AUXILIARY FORCES—HAMPSHIRE MOUNTED RIFLE VOLUNTEER CORPS—Question, Mr. Carpenter Garnier; Answer, Mr. Gathorne Hardy ..	88

TABLE OF CONTENTS.

[June 21.]	Page
POST OFFICE, WATERFORD — Question, Major O'Gorman; Answer, Lord John Manners	89
THE CUSTOMS DEPARTMENT — RE-ORGANIZATION — Question, Mr. Richard Smyth; Answer, Mr. W. H. Smith	89
NAVY—THE ARCTIC EXPEDITION—Question, Captain Pim; Answer, Mr. A. F. Egerton	90
POST OFFICE—FEMALE TELEGRAPH CLERKS — Question, Dr. Cameron; Answer, Lord John Manners	91
THAMES RIVER (PREVENTION OF FLOODS) BILL—Question, Sir Charles W. Dilke; Answer, Sir James M'Garel-Hogg	91
MAGISTRACY (IRELAND)—MR. ANKETELL—Question, Mr. Sullivan; Answer, Sir Michael Hicks Beach	92
INDIA—EAST INDIA LOAN—THE FINANCIAL STATEMENT—	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Lord George Hamilton</i>)	92
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "the present rapid increase of the debt of India, notwithstanding the enjoyment of profound peace, is inconsistent with financial prudence, and renders necessary such a revision of the system as may provide, during times of peace and prosperity, a large margin of income applicable either to reduction of debt or to works really remunerative; and, in order to carry the above securely into effect, a high and independent authority should decide whether expenditure which it is proposed to exclude from the ordinary account may be properly classed under 'extraordinary,' as being, from a commercial point of view, a prudent investment likely to pay,"—(<i>Sir George Campbell</i> ,)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, Amendment, by leave, <i>withdrawn</i> .	
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—MATTER <i>considered</i> in Committee.	
(In the Committee.)	
Motion made, and Question 'proposed, "That' it is expedient to enable the Secretary of State in Council of India to raise a sum, not exceeding £5,000,000, for the service of the Government of India, on the Credit of the Revenues of India."	
After short debate, Resolution <i>agreed to</i> ; to be reported <i>To-morrow</i> , at Two of the clock.	
Public Works Loans (Ireland) Bill [Bill 139]—	
Bill <i>considered</i> in Committee	144
After short time spent therein, Committee report Progress; to sit again upon <i>Thursday</i> 5th July.	
Sheriff Courts (Scotland) Bill—Ordered (<i>The Lord Advocate, Sir Henry Selwin-Ibbetson</i>); <i>presented</i> , and read the first time [Bill 209]	
General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) Bill—Ordered (<i>The Lord Advocate, Sir Henry Selwin-Ibbetson</i>); <i>presented</i> , and read the first time [Bill 211]	
General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) Bill—Ordered (<i>The Lord Advocate, Sir Henry Selwin-Ibbetson</i>); <i>presented</i> , and read the first time [Bill 210]	
Post Office Money Orders Bill—Ordered (<i>Mr. William Henry Smith, Lord John Manners</i>); <i>presented</i> , and read the first time [Bill 212]	

TABLE OF CONTENTS.

LORDS, FRIDAY, JUNE 22.		Page
Game Laws (Scotland) Amendment Bill (Nos. 44-97)—		
Amendments <i>reported</i> (according to Order)		147
Amendments made:—Bill to be read 3 ^a on <i>Tuesday</i> next; and to be printed, as amended (No. 118.)		
 COMMONS, FRIDAY, JUNE 22.		
ARMY PROMOTION—THE WARRANT—Question, Sir Patrick O'Brien ; Answer, Mr. Gathorne Hardy		155
ROADS AND BRIDGES (SCOTLAND) BILL—Observations, Mr. Assheton Cross ..		155
Supreme Court of Judicature (Ireland) (re-committed) Bill—		
Bill <i>considered</i> in Committee [<i>Progress 19th June</i>]		156
After some time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.		
County Officers and Courts (Ireland) Bill [Bill 67]—		
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>The Attorney General for Ireland</i>)		169
After short debate, Motion <i>agreed to</i> ; and Bill committed to a Select Committee.		
Colonial Fortifications Bill [Bill 174]—		
<i>Moved</i> , "That the Bill be now read the third time,"—(<i>Mr. Gathorne Hardy</i>)		176
After short debate, It being ten minutes before Seven of the clock, the Debate stood adjourned till <i>To-morrow</i> .		
East India Loan Bill—Resolution [June 21] reported, and agreed to:—Bill ordered		
(<i>Mr. Raikes, Lord George Hamilton, Mr. Chancellor of the Exchequer</i>); presented, and read the first time [Bill 215]		176
It being now five minutes to Seven of the clock, the House suspended its sitting.		
The House resumed its sitting at Nine of the clock.		
SUPPLY—Order for Committee read; Motion made, and Question proposed,		
"That Mr. Speaker do now leave the Chair: "—		
THE SUPERANNUATION ACT AMENDMENT ACT, 1873—DEPARTMENTAL CIRCULARS—Resolution, Mr. Boord		
	[House counted out.]	176
 LORDS, MONDAY, JUNE 25.		
RUSSIA—HON. COLONEL WELLESLEY, MILITARY ATTACHE—Question, Observations, Lord Dorchester; Reply, The Earl of Derby ..		
		177
TREATIES OF PARIS, 1856—MOTION FOR PAPERS—		
<i>Moved</i> that an humble Address be presented to Her Majesty for extracts of any correspondence which has taken place since the 24th of April between Her Majesty's Government and other Powers as to the manner of fulfilling their engagements under the Treaties of Paris of 1856,—(<i>The Lord Stratheden and Campbell</i>) ..		179
After short debate, Motion (by leave of the House) <i>withdrawn</i> .		
Burial Acts Consolidation Bill (Nos. 27-80)—		
Order of the Day for the further consideration of the Report of Amendments, read		181
<i>Moved</i> , "That the said Order be discharged,"—(<i>The Lord President</i>)		
After short debate, Motion <i>agreed to</i> :—Order discharged accordingly; and Bill (by leave of the House) <i>withdrawn</i> .		

TABLE OF CONTENTS.

[June 25.]

Page

ECCLIASTICAL COMMISSION (CHURCH BUILDING)—MOTION FOR A RETURN—

Moved, That the Return to the Order of this House of 19th June 1876, be amended (1) by the addition of a balance sheet showing the amount of interest received and the items of expenditure which have apparently reduced the balance by more than £6,000 and interest; (2) by supplying the omission of the amount of population of each district to which grants or nominal grants have been made,"—(*The Earl Nelson*) .. 188
After short debate, Motion (by leave of the House) *withdrawn*.

COMMONS, MONDAY, JUNE 25.

POST OFFICE—MAIL BAG—TIVERTON JUNCTION—Question, Sir John Heathcoat Amory; Answer, Lord John Manners ..	190
CLEOPATRA'S NEEDLE—Question, Lord Ernest Bruce; Answer, Mr. Gerard Noel ..	190
THAMES FLOODS (METROPOLIS)—Question, Mr. Watney; Answer, Sir James M'Garel-Hogg ..	191
MERCHANT SHIPPING ACT—DECK CARGOES—THE "BUSTONVALE"—Question, Mr. Gourley; Answer, Sir Charles Adderley ..	192
RUSSIA AND TURKEY—THE WAR—THE SUEZ CANAL—Question, Mr. Gourley; Answer, The Chancellor of the Exchequer ..	192
THE NEW FOREST—Question, Sir Charles W. Dilke; Answer, Mr. W. H. Smith ..	193
VACCINATION ACT PROSECUTIONS—CASE OF JOSEPH ABEL—Question, Mr. Hopwood; Answer, Mr. Assheton Cross ..	194
LAW AND JUSTICE—THE ASSIZES—Questions, Sir Walter B. Barttelot, Mr. C. W. Wynn; Answers, Mr. Assheton Cross ..	194
RUSSIA AND TURKEY—THE WAR—ASIA MINOR—SIR ARNOLD KEMBALL—Question, Mr. Laing; Answer, Mr. Bourke ..	195
HIGHWAYS—LEGISLATION—Question, Sir George Jenkinson; Answer, Mr. Sclater-Booth ..	196
DUBLIN METROPOLITAN POLICE—CASE OF MR. J. A. BROWNE—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach ..	197
NATIONAL BOARD OF EDUCATION (IRELAND)—HEAD TEACHERS OF MODEL SCHOOLS—Question, Mr. Fay; Answer, Sir Michael Hicks-Beach ..	197
NAVY—H.M.S. "INFLEXIBLE"—Questions, Mr. Ashbury, Mr. E. J. Reed; Answer, Mr. A. F. Egerton ..	198
ARMY—COURTS MARTIAL ON SERGEANT M'CARTHY AND OTHERS—Question, Mr. O'Connor Power; Answer, Mr. Gathorne Hardy ..	199
THE SLAVE TRADE—BRITISH MERCHANT SHIPS—Question, Mr. Anderson; Answer, The Attorney General ..	199
POST OFFICE TELEGRAPHS—TIPPERARY—Question, Mr. A. Moore; Answer, Lord John Manners ..	200
EAST INDIA—MR. FULLER AND MR. LEEDS—INDEPENDENCE OF JUDGES—Question, Mr. Fawcett; Answer, The Chancellor of the Exchequer ..	200
ARMY—PROMOTION AND RETIREMENT—THE WARRANT—Question, Major O'Gorman; Answer, Mr. Gathorne Hardy ..	201
CRIMINAL LAW—MURDER OF SERGEANT BRETT—Question, Mr. O'Connor Power; Answer, Mr. Assheton Cross ..	201
SUGAR CONVENTION—Question, Mr. Thornhill; Answer, Mr. Bourke ..	201
ARMY—RETIREMENT ON FULL PAY—Question, Colonel Alexander; Answer, Mr. Gathorne Hardy ..	203
THE NAVY—SHIPS OF WAR—A SELECT COMMITTEE—Question, Captain Pim; Answer, Mr. A. F. Egerton ..	203
ORDER—COMMITTEE OF SUPPLY—RESOLUTION— <i>Moved</i> , "That this House will immediately resolve itself into the Committee of Supply,"—(<i>Mr. Chancellor of the Exchequer</i>) ..	203
After short debate, Motion <i>agreed to</i> . Order for Committee read:—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"	

TABLE OF CONTENTS.

[June 25.]

Page

ORDER—COMMITTEE OF SUPPLY—RESOLUTION—continued.

ARMY—ROYAL ARTILLERY AND ENGINEERS—ARREARS OF INDIAN PAY— MOTION FOR A SELECT COMMITTEE—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Papers respecting the arrears of pay due by the Government of India to Officers of the Royal Artillery and Royal Engineers be referred to a Select Committee,"—(*Colonel Jervis*,)—read thereof

206

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided*; Ayes 93, Noes 145; Majority 52.—(Div. List, No. 190.)

Words *added*:—Main Question, as amended, proposed:—The House *divided*; Ayes 104, Noes 56; Majority 48.—(Div. List, No. 191.)

SUPPLY—Resolved, That this House will immediately resolve itself into the Committee of Supply.—(*Mr. Chancellor of the Exchequer*.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

ARMY—FIRST CLASS RESERVES—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the fact that men of the First Class Army Reserve, when called out last autumn, appeared in a larger proportion than any other branch of Her Majesty's forces, this House is of opinion that it would be expedient to allow at least five thousand men now in barracks, who are over thirty years of age and have had ten years' service, to retire into that reserve,"—(*Mr. John Holms*,)—instead thereof

228

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House *divided*; Ayes 207, Noes 46; Majority 161.—(Div. List, No. 192.)

Main Question, "That Mr. Speaker do now leave the Chair," proposed.

ARMY—NUMERICAL TITLES OF LINE REGIMENTS—Observations, Colonel Naghten:—Short debate thereon

251

Main Question, "That Mr. Speaker do now leave the Chair," put and *agreed to*.

SUPPLY—considered in Committee—ARMY ESTIMATES— (In the Committee.)

£48,600, Divine Service.—After short debate, Vote *agreed to*

254

Resolution to be reported.

Motion made, and Question proposed, "That a sum, not exceeding £27,500, be granted to Her Majesty, to defray the Charge for the Administration of Military Law, which will come in course of payment from the 1st day of April 1877 to the 31st day of March 1878, inclusive."—After short debate, Motion *agreed to*

255

Resolution to be reported *To-morrow*, at Two of the clock; Committee also report Progress; to sit again upon *Wednesday*.

SUPERANNUATION (MERCANTILE MARINE FUND OFFICERS)—

Considered in Committee

256

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund.

Resolution to be reported *To-morrow*, at Two of the clock.

Local Taxation (Returns) Bill—Ordered (*Mr. Solater-Booth*, *Mr. Salt*); presented, and read the first time [Bill 221]

255

LORDS, TUESDAY, JUNE 26.

LAW AND JUSTICE—SURREY ASSIZES—Question, The Earl of Onslow; Answer, The Lord Chancellor

256

TABLE OF CONTENTS.

COMMONS, TUESDAY, JUNE 26.

	Page
OBSCENE PUBLICATIONS—LORD CAMPBELL'S ACT—Question, Mr. Whalley; Answer, The Attorney General	258
EDUCATION DEPARTMENT—THE CONFSSIONAL—Question, Mr. Whalley; Answer, Viscount Sandon	259
RUSSIA AND TURKEY—LORD DERBY'S DESPATCH OF MAY 6—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer	260
NAVY—DESIGNS OF SHIPS OF WAR—Question, Captain Pim; Answer, Mr. A. F. Egerton	260
PARLIAMENT—ORDER—COMMITTEE OF SUPPLY—Observations, Lord Robert Montagu; Reply, Mr. Speaker	261

Supreme Court of Judicature (Ireland) (<i>re-committed</i>) Bill— Bill <i>considered</i> in Committee [<i>Progress 22nd June</i>]	262
After some time spent therein, it being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon <i>Thursday</i> .	
The House suspended its sitting at Seven of the clock.	

The House resumed its sitting at Nine of the clock.

ILLEGITIMATE INTESTATES' ESTATES (SCOTLAND)—RESOLUTION— <i>Moved</i> , "That, in the opinion of this House, it is inexpedient for the Treasury to depart, without previous notice, from the immemorial custom of Scotland, and for the first time to appropriate the estate of an intestate bastard when there are blood relations who, if he had been legitimate, would have been his next of kin according to the Law of Scotland,"—(<i>Colonel Alexander</i>)	279
After debate, Question put:—The House <i>divided</i> ; Ayes 135, Noes 197; Majority 62.—(Div. List, No. 195.)	

CHURCH PATRONAGE, RESOLUTION— <i>Moved</i> , "That, in view of the prevalence of simoniacal evasions of the Law and other scandals and abuses in connection with the exercise and disposal of private patronage in the Church of England, remedial measures of a more stringent character than any recently introduced into this House are urgently required,"—(<i>Mr. Leatham</i>)	298
---	-----

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the
words "it is desirable to adopt measures for preventing simoniacal evasion of the
Law and checking abuses in the sale of livings in private patronage,"—(*Mr. Hard-
castle*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of
the Question:"—After short debate, Amendment and Motion, by
leave, *withdrawn*.

CHURCH PATRONAGE (SALE OF LIVINGS)— <i>Resolved</i> , That it is desirable to adopt measures for preventing simoniacal evasion of the Law and checking abuses in the sale of livings in private patronage.	
Superannuation (Mercantile Marine Fund Officers) Bill—Resolution [June 25] <i>reported</i> , and <i>agreed to</i> :—Bill ordered (<i>Mr. Raikes, Mr. William Henry Smith, and Sir Charles Adderley</i>)	320

ILLEGITIMATE INTESTATES' ESTATES (ENGLAND)—UPROFT'S CASE—MOTION FOR A RETURN— <i>Moved</i> for, a Return of any allowances made out of the estate, and of any other applica- tion for allowance which have been made, and not acceded to by the Treasury,"— (<i>Mr. Colman</i>)	318
---	-----

[House counted out.]

COMMONS, WEDNESDAY, JUNE 27.

POST OFFICE—TELEGRAPHIC COMMUNICATION (IRELAND)—Question, The O'Donoghue; Answer, Lord John Manners	320
THE MAGISTRACY (IRELAND)—RESOLUTION—Question, Mr. W. Johnston; Answer, Mr. Fay	321
PARLIAMENT—ORDER OF BUSINESS—Questions, Mr. W. E. Forster, Mr. Cogan, Mr. E. Jenkins; Answers, The Chancellor of the Exchequer	321

TABLE OF CONTENTS.

[June 27.]	<i>Page</i>
Sale of Intoxicating Liquors on Sunday (Ireland) (<i>re-committed</i>)	
Bill [Bill 160]—	
Committee on Re-commitment	322
<i>Moved</i> , "That the first six Orders of the Day be postponed till after the Order for Committee on the Sale of Intoxicating Liquors on Sunday (Ireland) (<i>re-committed</i>) Bill,"—(<i>Mr. Chancellor of the Exchequer</i> .)	
After short debate, Question put:—The House <i>divided</i> ; Ayes 99, Noes 23; Majority 76.—(Div. List, No. 196.)	-
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. Richard Smyth</i>)	330
Amendment proposed,	
To leave out 'from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not expedient that the provisions of this Bill should be extended to the whole of Ireland,"—(<i>Mr. Murphy</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. M'Carthy Downing</i>):—Question put:—The House <i>divided</i> ; Ayes 37, Noes 256; Majority 219.—(Div. List, No. 197.)	
It being after a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	

LORDS, THURSDAY, JUNE 28.

Prisons Bill (No. 116)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord Steward</i>) ..	383
After short debate, Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Friday</i> , the 6 th of <i>July</i> next.	

COMMONS, THURSDAY, JUNE 28.

VACCINATION ACT—PENALTIES—Question, Mr. Greene; Answer, Mr. Solater-Booth	397
SPONTANEOUS COMBUSTION OF COAL—REPORT OF THE ROYAL COMMISSION—Question, Mr. Childers; Answer, Sir Charles Adderley ..	398
NAVIGATION OF THE RED SEA—Question, Mr. D. Jenkins; Answer, The Chancellor of the Exchequer	399
NAVY—H.M.S. "REPULSE"—Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton	399
NAVY—GUNNERY LIEUTENANTS—Question, Captain Price; Answer, Mr. A. F. Egerton	400
ARMY—LIEUTENANT COLONEL DAWKINS—Question, Lord Claud Hamilton; Answer, Mr. Gathorne Hardy	400
RUSSIA AND TURKEY—AUSTRIAN POLICY—Question, Lord Robert Montagu; Answer, Mr. Bourke	401
FOREST OF DEAN—SALE OF LANDS—Question, Colonel Kingscote; Answer, Mr. W. H. Smith	402
ROUMANIA—TREATMENT OF THE JEWS—Question, Mr. Serjeant Simon; Answer, Mr. Bourke	402
MERCANTILE MARINE—HOLYHEAD HARBOUR—WRECK OF THE "EDITH"—Question, Mr. French; Answer, Sir Charles Adderley	403
CRIME (IRELAND)—MURDER OF MR. YOUNG—Question, Mr. E. Jenkins; Answer, Sir Michael Hicks-Beach	404
VACCINATION ACT—CASE OF JOSEPH ABEL—Question, Mr. Pennington; Answer, The Attorney General	405

TABLE OF CONTENTS.

[June 28.]

Page

POST OFFICE—CLOSING OF TELEGRAPH OFFICES—Question, Mr. W. Beckett-Denison; Answer, Lord John Manners	406
MERCANTILE MARINE—LIME JUICE—Question, Mr. Anderson; Answer, The Chancellor of the Exchequer	406
THE CONFESSIONAL IN THE CHURCH OF ENGLAND—"THE PRIEST IN ABSOLUTION"—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer	407
ILLEGITIMATE INTESTATES ESTATES (SCOTLAND)—PATERSON'S ESTATE—Question, Mr. Ernest Noel; Answer, The Chancellor of the Exchequer	407
METROPOLIS—THE PARKS—VOLUNTEER DRILLS—Question, Mr. Coope; Answer, Mr. Gathorne Hardy	408
ARMY—OFFICERS OF THE AUXILIARY FORCES—Question, Mr. Price; Answer, Mr. Gathorne Hardy	408
MARITIME CONTRACTS BILL—Question, Mr. Hamond; Answer, The Chancellor of the Exchequer	409
NAVY—H.M.S. "ALEXANDRA"—THE REPORTED MUTINY—Question, Captain Pim; Answer, Mr. A. F. Egerton	409
ELEMENTARY EDUCATION ACT—SCHOOL DISTRICTS IN LINCOLNSHIRE—Question, Mr. Chaplin; Answer, Viscount Sandon	410
THE COLORADO BEETLE—Question, Mr. Mark Stewart; Answer, Viscount Sandon	410
ARMY—ROYAL ARTILLERY AND ENGINEERS—ARREARS OF INDIAN PAY—Personal Explanation, Mr. Gathorne Hardy	411

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

INLAND REVENUE—COLLECTION OF TAXES—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the practice of imposing compulsorily on private individuals the duty of collecting Income Tax, Inhabited House Duty, and Land Tax, is unjust and inexpedient, and that Her Majesty's Government be requested to make provision for discontinuing it,"—(*Mr. Sampson Lloyd*),—instead thereof 412

After short debate, on the Question that leave be given to withdraw the Motion, there being several "Noes"—

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed.

EAST INDIA—MR. FULLER AND MR. LEEDS—INDEPENDENCE OF JUDGES OF THE HIGH COURTS—Observations, Mr. Lowe:—Debate thereon 416

INDIAN CIVIL SERVICE—ADMISSION OF CANDIDATES—Observations, Mr. Lyon Playfair:—Short debate thereon 452

VOTES ON ACCOUNT—Observations, Mr. Rylands:—Short debate thereon 468

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—considered in Committee—CIVIL SERVICE AND REVENUE DEPARTMENTS ESTIMATES, VOTE ON ACCOUNT.

(In the Committee.)

Motion made, and Question proposed, "That a further sum, not exceeding £1,327,910, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments, to the 31st day of March 1878 470

[Then the several Services set forth.]

Motion made, and Question proposed, "That a further sum, not exceeding £1,011,160, be granted, &c.,"—(*Mr. Butt*):—After short debate, Amendment, by leave, *withdrawn*.

TABLE OF CONTENTS.

[June 28.]	Page
SUPPLY—CIVIL SERVICE AND REVENUE DEPARTMENTS ESTIMATES—VOTE ON ACCOUNT— Committee— <i>continued</i> .	
Original Question again proposed:— <i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(<i>Captain Nolan</i> :)—After short debate, Motion, by leave, <i>withdrawn</i> .	
Original Question put, and <i>agreed to</i> .	
Resolution to be reported <i>To-morrow</i> ; Committee to sit again <i>To-morrow</i> .	
LORDS, FRIDAY, JUNE 29.	
RUSSIA AND TURKEY—THE WAR—EXCESSES BY THE RUSSIAN ARMY— Question, Observations, Lord Stanley of Alderley; Reply, The Earl of Derby	477
Game Laws (Scotland) Amendment Bill (Nos. 44-97-118)— Bill read 3 ^a (according to Order)	480
After short debate, Bill <i>passed</i> , and sent to the Commons.	
Tramways Bill [H.L.]— <i>Presented</i> (<i>The Lord de Ros</i>); read 1 ^a (No. 124) ..	483
Municipal Corporations (New Charters) Bill [H.L.]— <i>Presented</i> (<i>The Lord President</i>); read 1 ^a (No. 125)	483
COMMONS, FRIDAY, JUNE 29.	
LOCAL GOVERNMENT BOARD — ENGINEER INSPECTORS — Question, Mr. Hutchinson; Answer, Mr. Slater-Booth	484
RUSSIA AND TURKEY—THE WAR—ALLEGED RUSSIAN ATROCITIES—Question, Mr. R. Power; Answer, Mr. Bourke	485
THE BRITISH MUSEUM—SALARIES—Question, Mr. W. O. Cartwright; An- swer, Mr. W. H. Smith	485
LAW AND JUSTICE—THE CIRCUITS—Question, Mr. C. W. Wynn; Answer, Mr. Assheton Cross	486
PARLIAMENT—BUSINESS OF THE HOUSE—UNIVERSITY EDUCATION (IRELAND) BILL—Question, Mr. Butt; Answer, The Chancellor of the Exchequer	487
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair: "—	
COUNTY FRANCHISE AND RE-DISTRIBUTION OF SEATS—RESOLUTION— Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it would be desirable to adopt a uniform Par- liamentary Franchise for Borough and County constituencies,"—(<i>Mr. Trevelyan</i>),— instead thereof	488
Question proposed, "That the words proposed to be left out stand part of the Question: "—After long debate, Question put:—The House <i>divided</i> ; Ayes 276, Noes 220; Majority 56.	
Division List, Ayes and Noes	585
Main Question proposed, "That Mr. Speaker do now leave the Chair: "—	
Original Motion, by leave, <i>withdrawn</i> :—Committee <i>deferred</i> till <i>Monday</i> next.	
PUBLIC LOANS REMISSION— <i>Considered</i> in Committee	589
Resolution <i>agreed to</i> ; to be reported upon <i>Monday</i> next.	

TABLE OF CONTENTS.

[June 29.]

Page

POST OFFICE TELEGRAPH SERVICES [MONEY]—

Considered in Committee	589
Resolution agreed to : to be reported upon <i>Monday</i> next.	

County Officers and Courts (Ireland) Bill—Select Committee nominated :—List of the Committee	589
--	-----

LORDS, MONDAY, JULY 2.

INLAND NAVIGATION (IRELAND)—MOTION FOR A RETURN—

<i>Moved</i> , for a Return showing the amount of money granted by the Irish Parliament for the formation of the Royal Canal between the River Liffey at Dublin and the River Shannon, and for the amount of money granted by the Parliament of the United Kingdom of Great Britain and Ireland to the Inland Navigation Commissioners to complete the Royal Canal from the River Liffey at Dublin and the River Shannon,— <i>(The Earl of Leitrim)</i>	590
Motion agreed to ; Return ordered.	

INCLOSURE OF COMMONS BILL—

Bill intituled an Act to authorize the Inclosure of certain Lands in pursuance of a Report from the Inclosure Commissioners of England and Wales— <i>Presented (The Lord Steward)</i>	590
<i>Moved</i> , "That the order of the 23rd of April last, relating to the First Reading of Inclosure Bills be suspended."	
After short debate, Motion agreed to ; Bill read 1 ^o accordingly ; and referred to the Examiners. (No. 127.)	

COMMONS, MONDAY, JULY 2.

POST OFFICE—EDINBURGH RECEIVING HOUSE—Question, Mr. M'Laren ; Answer, Lord John Manners	591
RUSSIA—HON. COLONEL WELLESLEY, MILITARY ATTACHE—Question, Lord Francis Conyngham ; Answer, The Chancellor of the Exchequer	592
NATIONAL GALLERY—DAVID ROBERTS, R.A.—Question, Mr. Collins ; Answer, The Chancellor of the Exchequer	592
POST OFFICE—CAMOLIN POST OFFICE, WEXFORD—Question, Mr. Redmond ; Answer, Lord John Manners	593
CONTAGIOUS DISEASES (ANIMALS) ACT, 1869—CONVICTIONS—CATTLE PLAGUE IN YORKSHIRE—Question, Mr. Jacob Bright ; Answer, Mr. Ascheton Cross	593
PAROCHIAL CHARITIES (CITY OF LONDON)—Question, Mr. Fawcett ; Answer, Mr. Ascheton Cross	594
LAW AND JUSTICE (IRELAND)—DUNOW PETTY SESSIONS CLERKSHIP—Question, Mr. Biggar ; Answer, Sir Michael Hicks-Beach	595
PUBLIC HEALTH ACT—THE PARISH OF ASH—Question, Mr. A. H. Brown ; Answer, Mr. Solater-Booth	596
ARMY—PAY OF BREVET MAJORS—Question, Captain O'Beirne ; Answer, Mr. Gathorne Hardy	596
CRIMINAL LAW—IMPORTATION OF ITALIAN CHILDREN—Question, Sir H. Drummond Wolff ; Answer, Mr. Ascheton Cross	596
ARMY VETERINARY DEPARTMENT—CANDIDATES—Question, Captain Milne Home ; Answer, Mr. Gathorne Hardy	597
EGYPT—THE LATE FINANCE MINISTER—Question, Sir George Campbell ; Answer, Mr. Bourke	597
CIVIL SERVICE COMPETITION—Question, Dr. Brady ; Answer, Mr. W. H. Smith	598
MINES ACT, 1872—CONVICTION OF MR. B. THOMAS—Question, Mr. Macdonald ; Answer, Mr. Ascheton Cross	598

TABLE OF CONTENTS.

[July 2.]	<i>Page</i>
INDIA—THE SALT DUTIES—Question, Mr. Wilbraham Egerton; Answer, Lord George Hamilton	599
PLUMSTEAD COMMON—LEGAL PROCEEDINGS—Question, Mr. Boord; Answer, The Chancellor of the Exchequer	600
THE FIJI ISLANDS—LABOUR TRAFFIC—Question, Mr. Errington; Answer, Mr. J. Lowther	601
ARMY PROMOTION AND RETIREMENT—THE WARRANT—Question, Colonel Mure; Answer, The Chancellor of the Exchequer	601
SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—	
ARMY—MOUNTED RIFLEMEN—Observations, Mr. Carpenter-Garnier:—Short debate thereon	602
ARMY—MILITIA SURGEONS—ROYAL WARRANT, 1870—Observations, Mr. Lyon Playfair:—Short debate thereon	606
ARMY MEDICAL DEPARTMENT—Observations, Dr. Lush; Reply, Mr. Gathorne Hardy	609
SUPERANNUATION ACT AMENDMENT ACT, 1873—RESOLUTION—	
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “it is unjust that Departmental Circulars should be issued in such a form, or so interpreted as practically to repeal or modify the operation of an Act of Parliament; and that it is expedient that those persons who have been debarred from participation in the benefits of ‘The Superannuation Act Amendment Act, 1873,’ by the War Office Circulars dated the 29th August and the 17th December 1861, and numbered 709 and 729 respectively, should be restored to the position they would have occupied had such circulars never been issued,”—(Mr. Boord,)—instead thereof	
	618
After short debate, Question, “That the words proposed to be left out stand part of the Question,” put, and <i>agreed to</i> .	
Main Question, “That Mr. Speaker do now leave the Chair,” put and <i>agreed to</i> .	
SUPPLY— <i>considered</i> in Committee—ARMY ESTIMATES—	
(In the Committee.)	
(1.) £27,500, Administration of Military Law.—After short debate, Vote <i>agreed to</i> ..	623
(2.) £243,300, Medical Establishments and Services.—After short debate, Vote <i>agreed to</i>	631
(3.) £534,000, Militia Pay and Allowances.—After short debate, Vote <i>agreed to</i> ..	632
(4.) £74,400, Yeomanry Cavalry Pay and Allowances.—After short debate, Vote <i>agreed to</i>	643
(5.) £468,700, Volunteer Corps Pay and Allowances.—After short debate, Vote <i>agreed to</i>	645
Motion made, and Question proposed, “That a sum, not exceeding £132,000, be granted to Her Majesty, to defray the Charge for Army Reserve Force Pay and Allowances (including Enrolled Pensioners), which will come in course of payment from the 1st day of April 1877 to the 31st day of March 1878, inclusive” ..	
	650
After very long debate and many Divisions [House counted out at A.M. 7.15.]	

LORDS, TUESDAY, JULY 3.

THE EASTERN QUESTION—THE MEDITERRANEAN FLEET—Question, Earl Granville; Answer, The Earl of Derby	663
Universities of Oxford and Cambridge Bill (No. 114)—	
<i>Moved</i> , “That the Bill be now read 2 ^d ,”—(<i>The Marquess of Salisbury</i>) ..	663
<i>Amendment moved</i> ,	
To leave out all after the word (“that”) in order to insert the following words: (“that legislation with reference to the Universities will be premature unless preceded	

TABLE OF CONTENTS.

	<i>Page</i>
[July 3.]	
<i>Universities of Oxford and Cambridge Bill</i> —continued.	
by an inquiry into the working of the changes effected as to the state, studies, and discipline of those Universities by the legislation of 1854 and 1856," — (<i>The Lord Colchester.</i>)	
After short debate, on Question, Whether the words proposed to be left out shall stand part of the Motion? <i>Resolved</i> in the <i>Affirmative</i> .	
Then the original Motion was <i>agreed to</i> :—Bill read 2 ^a accordingly:—Bill committed to a Committee of the Whole House on <i>Thursday</i> next.	
PERSIA AND TURKEY—THE BOUNDARY—Question, Observations, The Earl of Harrowby; Reply, The Earl of Derby	681
COMMONS, TUESDAY, JULY 3.	
PARLIAMENT — PRIVILEGE — REFLECTIONS ON THIS HOUSE — Notice, Mr. Blake	684
STATE OF PUBLIC BUSINESS—THE HALF-PAST TWELVE RULE—Question, Mr. Fortescue Harrison; Answer, The Chancellor of the Exchequer	685
PUBLIC BUSINESS—UNIVERSITY EDUCATION (IRELAND) BILL—Question, Observations, The O'Connor Don; Reply, The Chancellor of the Exchequer	685
THE COLORADO BEETLE—Question, The O'Donoghue; Answer, Sir Michael Hicks-Beach	687
RUSSIA AND TURKEY—THE MEDITERRANEAN FLEET—Question, Mr. W. E. Forster; Answer, The Chancellor of the Exchequer	688
BUSINESS OF THE HOUSE—Notice, Mr. Puleston	688
PARLIAMENT—PUBLIC BUSINESS—LATE SITTINGS—Notice, Mr. Whalley	688
Sale of Intoxicating Liquors on Sunday (Ireland) (<i>re-committed</i>) Bill [Bill 160]—	
Order read, for resuming Adjourned Debate on Amendment proposed to Question [27th June]:—Question again proposed:—Debate <i>resumed</i>	689
After long debate, it being ten minutes before Seven of the clock, the Debate stood adjourned till <i>this day</i> .	
The House suspended its sitting at Seven of the clock.	
The House resumed its sitting at Nine of the clock.	
VACCINATION—RESOLUTION—	
<i>Moved</i> , "That it is expedient that an inquiry should be instituted into the practice of vaccination, for the purpose of ascertaining whether it cannot be conducted in a more satisfactory manner than it is at present,"—(<i>Earl Percy</i>)	732
Amendment proposed,	
To add, at the end of the Question, the words "and whether the Law relating to the accumulation or repetition of penalties for the same offence does not require amendment,"—(<i>Mr. Pease.</i>)	
Question proposed, "That those words be there added:"—After short debate, Question put, and <i>agreed to</i> .	
Main Question, as amended, put:—The House <i>divided</i> ; Ayes 56, Noes 106; Majority 50.—(<i>Div. List, No. 216.</i>)	
THE CONFESSIONAL IN THE CHURCH OF ENGLAND—"THE PRIEST IN ABSOLUTION"—RESOLUTION—	
<i>Moved</i> , "That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion,"—(<i>Mr. Whalley</i>)	750
[House counted out.]	

TABLE OF CONTENTS.

COMMONS, WEDNESDAY, JULY 4.	<i>Page</i>
Union Justices (Ireland) Bill [Bill 28]—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. O’ Sullivan</i>) . .	752
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(<i>Mr. De La Poer Beresford</i> .)	
After debate, Question put, “That the word ‘now’ stand part of the Question :”—The House <i>divided</i> ; Ayes 36, Noes 178; Majority 142.—(Div. List, No. 217.)	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Second Reading <i>put off</i> for three months.	
 Divine Worship Facilities Bill [Bill 47]—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Wilbraham Egerton</i>) . .	772
<i>Previous Question</i> proposed, “That that Question be now put,”—(<i>Mr. Assheton</i> :)—After short debate, <i>Previous Question</i> put :—The House <i>divided</i> ; Ayes 94, Noes 78; Majority 16.—(Div. List, No. 218.)	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Wednesday</i> 1st August.	
 Agricultural Tenements Security for Improvements Bill—	
<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. J. W. Barclay</i>)	782
It being a quarter of an hour before Six of the clock, further Proceeding was adjourned till <i>To-morrow</i> .	
 ARMY (ROYAL ARTILLERY AND ENGINEER OFFICERS, ARREARS OF PAY)—	
Select Committee <i>nominated</i> :—List of the Committee	786
 Public Loans Remission Bill—Resolution [June 29] reported, and agreed to :—Bill ordered (<i>Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 226]	786
Telegraphs (Money) Bill—Resolution [June 29] reported, and agreed to :—Bill ordered (<i>Mr. Raikes, Lord John Manners, Mr. William Henry Smith</i>); <i>presented</i> , and read the first time [Bill 227]	786
Imprisonment for Debt Bill—Ordered (<i>Sir Eardley Wilmot, Mr. Staveley Hill, Mr. Watkin Williams</i>); <i>presented</i> , and read the first time [Bill 230]	786
Church Patronage (Scotland) Law Amendment Bill—Ordered (<i>Mr. Ramsay, Mr. Baxter, Mr. Grant Duff</i>); <i>presented</i> , and read the first time [Bill 231]	787
Board of Education (Scotland) Continuance Bill—Ordered (<i>The Lord Advocate, Mr. Secretary Cross</i>); <i>presented</i> , and read the first time [Bill 229]	787
Colonial Stock Transfer (Stamp Duty) Bill—Ordered (<i>Mr. William Henry Smith, Mr. James Lowther</i>); <i>presented</i> , and read the first time [Bill 228]	787

LORDS, THURSDAY, JULY 5.

Imbecile, Lunatic, and other Afflicted Classes (Ireland) Bill (No. 110)—	
<i>Moved</i> , “That the Bill be now read 2 ^a ,”—(<i>The Lord O’Hagan</i>) . .	787
Amendment <i>moved</i> , to leave out (“now”) and add at the end of the Motion (“this day three months,”)—(<i>The Lord Oranmore and Browne</i> .)	
After short debate, Amendment, original Motion, and Bill (by leave of the House) <i>withdrawn</i> .	

TABLE OF CONTENTS.

[July 5.]	Page
New Forest Bill (No. 123)—	
Moved, "That the Bill be now read 2 ^a ,"—(<i>The Lord President</i>) ..	794
Amendment moved, to leave out ("now,") and add at the end of the Motion ("this day three months,")—(<i>The Duke of Somerset.</i>)	
After short debate, Amendment (by leave of the House) <i>withdrawn</i> : original Motion <i>agreed to</i> ; Bill read 2 ^a accordingly, and committed to a Committee of the Whole House <i>To-morrow.</i>	
POOR LAW—THE BOARDING-OUT SYSTEM—Question, Viscount Enfield; Answer, The Duke of Richmond and Gordon ..	809
COMMONS, THURSDAY, JULY 5.	
Tasmanian Main Line Railway Bill [Lords]—	
Order for Third Reading read ..	812
Bill read the third time, and <i>passed</i> , with Amendments.	
SCOTCH HERRING FISHERIES—Question, Sir William Cuninghame; Answer, Mr. E. Stanhope ..	812
NAVY—RETIRED NAVAL OFFICERS—Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton ..	813
TRADES UNIONS—SOUTH YORKSHIRE MINERS' ASSOCIATION—Question, Mr. Sanderson; Answer, Mr. Assheton Cross ..	813
METROPOLIS — SAINT MARGARET'S CHURCH — THE ALBERT MEMORIAL — Question, Mr. Baillie Cochrane; Answer, The Chancellor of the Exchequer ..	814
TOWNLANDS AND TOWNS (IRELAND)—ALPHABETICAL INDEX—Question, Mr. Heygate; Answer, Mr. W. H. Smith ..	815
RUSSIA AND TURKEY—LORD DERBY'S DESPATCH OF THE 6TH OF MAY— Question, Mr. Whalley; Answer, The Chancellor of the Exchequer ..	815
NAVY—THE NEW NAVAL COLLEGE—THE SITE—Questions, Mr. Edwards, Mr. Baillie Cochrane; Answers, Mr. A. F. Egerton ..	816
PUBLIC HEALTH (METROPOLIS) BILL—Question, Mr. J. Holms; Answer, Mr. Sclater-Booth ..	817
NAVY—DOCKYARD ENGINEERS AT MALTA—Question, Mr. J. Cowen; Answer, Mr. A. F. Egerton ..	818
SUCCESSION DUTY ACT—DOUBLE DUTIES—"THE ATTORNEY GENERAL V. CHARLTON"—Question, Sir Colman O'Loughlen; Answer, The Attorney General ..	818
PUBLIC BUSINESS—SCOTCH BILLS—Question, Dr. Cameron; Answer, The Chancellor of the Exchequer ..	820
ARMY—TERRITORIAL TITLES TO REGIMENTS—Question, Sir Alexander Gordon; Answer, Mr. Gathorne Hardy ..	821
FISHERIES (OYSTERS, CRABS, AND LOBSTERS) BILL — Question, Mr. Dillwyn; Answer, Mr. E. Stanhope ..	821
LAW AND JUSTICE (SCOTLAND) — ROMAN CATHOLICS — Question, Mr. Anderson; Answer, The Lord Advocate ..	821
ARMY—MAJOR DE DOHSE—Question, Major O'Gorman; Answer, Mr. Gathorne Hardy ..	822
CRIMINAL LAW—CASE OF FRANCES ISABELLA STALLAND—Question, Sir Eardley Wilmot; Answer, Mr. Assheton Cross ..	822
SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—Question, Mr. Charles Lewis; Answer, The Chancellor of the Exchequer ..	823
PARLIAMENT — PRIVILEGE—REFLECTIONS IN THIS HOUSE—Question, Mr. Puleston; Answer, The Chancellor of the Exchequer:—Short debate thereon ..	824
PARLIAMENT—PRIVILEGE—PRACTICE OF THIS HOUSE—Question, Mr. E. Jenkins; Answer, Mr. Speaker:—Short debate thereon ..	828

TABLE OF CONTENTS.

[July 5.]

Page

SUPPLY—considered in Committee—ARMY ESTIMATES—

(In the Committee.)

(1.) £132,000, Army Reserve Force Pay and Allowances.—After short debate, Vote agreed to.	830
(2.) £374,800, Commissariat, Transport, and Ordnance Store Establishments.—After short debate, Vote agreed to	832
(3.) £2,986,000, Provisions, Forage, Fuel, Transport, and other Services.—After short debate, Vote agreed to	832
(4.) £806,600, Clothing Establishments, Services, and Supplies.—After short debate, Vote agreed to	834
(5.) £1,120,000, Supply, Manufacture, and Repair of Warlike and other Stores.—After short debate, Vote agreed to	834
(6.) £828,700, Superintending Establishment of and Expenditure for Works, Buildings, and Repairs at Home and Abroad.—After short debate, Vote agreed to	837
(7.) £154,400, Establishments for Military Education, agreed to.	
(8.) £31,000, Miscellaneous Effective Services.—After short debate, Vote agreed to	838
(9.) £249,100, Administration of the Army.—After short debate, Vote agreed to	838
(10.) £33,500, Rewards for Distinguished Services, agreed to.	
(11.) £53,600, Pay of General Officers.—After short debate, Vote agreed to	838
(12.) £420,200, Full Pay of Reduced and Retired Officers and Half Pay.—After short debate, Vote agreed to	839
(13.) £123,500, Widows' Pensions, &c.	
(14.) £16,700, Pensions for Wounds.	
(15.) £35,000, Chelsea and Kilmainham Hospitals (In-Pensions).	
(16.) £1,005,200, Out-Pensions.	
(17.) £166,000, Superannuation Allowances.	
(18.) £42,100, Militia, Yeomanry Cavalry, and Volunteer Corps, Non-Effective Services.—After short debate, Vote agreed to	841
(19.) £1,000,000, Regular Forces in India.	
(20.) £400,000, to complete the sum for Army Purchase Commission.	

Resolutions [2nd July] and Resolutions of this day to be reported *To-morrow*, at Two of the clock; Committee to sit again *To-morrow*, at Two of the clock.

East India Loan Bill [Bill 215]—

Order for Second Reading read	841
After short debate, Bill read a second time, and committed for <i>Monday</i> next.	

Supreme Court of Judicature (Ireland) (*re-committed*) Bill—

Bill considered in Committee [<i>Progress 26th June</i>]	854
After some time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.	

Solicitors Examination, &c. Bill (*Lords*) [Bill 190]—

Bill considered in Committee	865
After short time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	

Factors Act Amendment Bill [Bill 168]—

Bill considered in Committee	868
Bill reported; as amended, to be considered <i>To-morrow</i> , at Two of the clock.	

BUSINESS OF THE HOUSE—

Resolution (<i>Mr. Whalley</i>)	[House counted out] 868
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LORDS, FRIDAY, JULY 6.

Prisons Bill (No. 116)—

House in Committee (according to Order)	869
After short time spent therein, Bill reported, without Amendment; and to be read 3 ^d on <i>Monday</i> next.	

TABLE OF CONTENTS.

[July 6.]

Page

POST OFFICE (TELEGRAPHS)—RESOLUTION—

Moved, "That it is not expedient to agree to the introduction of the clauses proposed by the Post Office for partial protection of their telegraphs into certain private Bills,"
—(*The Earl of Redesdale*) 878
After short debate, Motion (by leave of the House) *withdrawn*.

CONFESSIONAL IN THE CHURCH OF ENGLAND—"THE PRIEST IN ABSOLUTION"
—Question, Observations, Lord Oranmore and Browne; Reply, The Lord Chancellor:—Short debate thereon 883

COMMONS, FRIDAY, JULY 6.

BOILER EXPLOSIONS—Question, Mr. Macdonald; Answer, Mr. Assheton Cross 885

THE MEDITERRANEAN FLEET—BESIKA BAY—Questions, Sir Wilfrid Lawson, Mr. Gourley; Answers, The Chancellor of the Exchequer .. 886

PARLIAMENT—PRIVILEGE—REFLECTIONS ON THE SPEAKER OF THIS HOUSE—
WITHDRAWAL OF MOTION, Mr. Puleston—Explanation, Mr. Parnell; Observations, The Chancellor of the Exchequer:—Short debate thereon 887

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

NAVY—NAVAL EDUCATION—H.M.S. "INFLEXIBLE"—Observations, Mr. T. Brassey; Reply, Mr. A. F. Egerton:—Short debate thereon .. 891

NAVY—NAVAL CONSTRUCTION—"AGAMEMNON" CLASS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to build any more vessels of the 'Agamemnon' class until that type has been tried, and that the money proposed to be voted for such purpose be expended in building a vessel of war with full sail power, capable of cruising and blockading under sail alone, but able to steam when necessary 300 miles in 24 hours, with a coal supply for 7 days, and with an armament consisting of one armour piercing gun of the longest range, as well as Shrapnel and Gatling guns and torpedo apparatus,"—(*Captain Pim*,)—instead thereof 904

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put.

THE MEDITERRANEAN FLEET—BESIKA BAY—Observations, Sir Wilfrid Lawson; Reply, The Chancellor of the Exchequer 914

Main Question put, and *agreed to*.

SUPPLY—considered in Committee—NAVY ESTIMATES— (In the Committee.)

- (1.) £193,890, Admiralty Office.
- (2.) £207,900, Coast Guard Service and Royal Naval Reserves, &c.—After short debate, Vote *agreed to* 917
- (3.) £109,002, Scientific Branch.—After short debate Vote *agreed to* .. 920
- (4.) £76,930, Victualling Yards at Home and Abroad.
- (5.) £66,150, Medical Establishments at Home and Abroad.
- (6.) £21,316, Marine Divisions.
- (7.) £78,010, Medicines and Medical Stores, &c.
- (8.) £8,147, Martial Law and Law Charges.
- (9.) £130,134, Miscellaneous Services.
- (10.) £880,796, Half-Pay, Reserved Half-Pay, and Retirement to Officers of the Navy and Royal Marines.

Motion made, and Question proposed, "That a sum, not exceeding £759,940, be granted to Her Majesty, to defray the Expense of Military Pensions and Allowances, which will come in course of payment during the year ending on the 31st day of March 1878:"—Motion, by leave, *withdrawn*.

- (11.) £279,981, Civil Pensions and Allowances.
- (12.) £168,280, Freight, &c. on account of the Army Department.

Resolutions to be reported upon *Monday* next; Committee to sit again *this day*.

TABLE OF CONTENTS.

[July 6.]	<i>Page</i>
SUPPLY—REPORT—Resolutions [2nd and 5th July] <i>reported</i>	.. 921
First Seven Resolutions <i>agreed to</i> .	
Eighth Resolution read a second time.	
Amendment proposed, to leave out “£2,986,000,” in order to insert “£2,985,685,”—(<i>Mr. Boord</i> ,)—instead thereof.	
After short debate, Question put, “That ‘£2,986,000’ stand part of the Resolution:”—The House <i>divided</i> ; Ayes 146, Noes 59; Majority 87.—(Div. List, No. 224.)	
And it being ten minutes before Seven of the clock, further Proceeding stood adjourned till <i>this day</i> .	
And it being five minutes to Seven of the clock, the House suspended its sitting	
The House resumed its sitting at Nine of the clock.	
SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—	
THE ROBERTS COURT MARTIAL—MOTION FOR AN ADDRESS—	
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying that, in view of the circumstances disclosed upon the proceedings of the Court Martial upon Captain Roberts, She will be graciously pleased to reinstate him in his rank in the Army,”—(<i>Mr. Edward Jenkins</i> ,)—instead thereof	.. 923
Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, Question put:—The House <i>divided</i> ; Ayes 137, Noes 72; Majority 65.—(Div. List, No. 225.)	
Main Question proposed, “That Mr. Speaker do now leave the Chair:”—	
“THE PRIEST IN ABSOLUTION”—Resolution, Mr. Whalley [House counted out.]	.. 946

LORDS, MONDAY, JULY 9.

PARLIAMENT — ELECTION OF REPRESENTATIVE PEERS FOR SCOTLAND—EARL- DOM OF MAR—RESOLUTION—	
<i>Moved</i> to resolve,	
That upon hearing the petition of the Earl of Mar and Kellie this House doth order that at all future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peers of Scotland, the Lord Clerk Register, or the Clerks of Session officiating in his name, do call the title of Mar in the Roll of Peers of Scotland in Parliament called at such elections in the place and precedence to which it has been declared by the resolution and judgment of this House on 26th February 1876 to be entitled according to the date of the creation of that Earldom, and in no other place, with a saving nevertheless as well to the said Earl of Mar and Kellie as to all other Peers of Scotland, their rights and places upon further and better authority showed for the same,—(<i>The Duke of Buccleuch</i>)	.. 947
Previous Question <i>moved</i> , — (<i>The Marquess of Huntly</i> :)—After short debate, Motion and original Motion (by leave of the House) <i>with-drawn</i> .	
<i>Moved</i> , That a Select Committee be appointed to consider the matter of the petition of the Earl of Mar and Kellie presented on the 6th of June 1877, and the precedents applicable thereto; and to report thereon to the House,—(<i>The Lord Chancellor</i> .)	
Motion <i>agreed to</i> .	
Committee <i>nominated</i> , July 17:—List of the Committee	.. 958

TABLE OF CONTENTS.

[July 9.]

Page

ENDOWED SCHOOLS ACTS—MOTION FOR AN ADDRESS—
Moved for—
“Return made out, county by county, with in each case a proximate estimate of the annual endowments of
“1. The number of schemes finally approved and in force in England and Wales under the Endowed Schools Acts, 1869, 1873, and 1874;
“2. The number of schemes published by the Charity Commissioners under those Acts, but not yet finally approved;
“3. The Endowed Schools not returned in 1. and 2. nor included in section 3. of the Endowed Schools Act, 1873, which are within the general provisions of the Endowed Schools Acts;
“4. The aggregate number and income of Endowed Schools included in section 3. of the Endowed Schools Act, 1873: Also,
“Return of the number and grades (as determined by maximum age of scholars, amount of fees payable, and course of instruction) of schools established or regulated by schemes approved under the Endowed Schools Acts, in the following form.

Schemes sub- mitted by	1st Grade.	2nd Grade.	3rd Grade.	Elementary Schools.
Endowed Schools Com- missioners				
Charity Commissioners .				
TOTAL				

—(The Earl Fortescue.)

.. .. . 958

After short debate, Motion agreed to.
Returns ordered to be laid before the House.

COMMONS, MONDAY, JULY 9.

Royal Dublin Society (No. 2) Bill—
Moved, “That the Bill be now read a second time” .. 966
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(Mr. O’Shaughnessy:)—After short debate, Amendment, by leave, withdrawn.
Main Question put, and agreed to:—Bill read a second time, and committed.

“THE PRIEST IN ABSOLUTION”—Question, Mr. Whalley .. 967
RUSSIA AND TURKEY—ENGLISH OCCUPATION OF CONSTANTINOPLE—Question, Mr. Monk; Answer, The Chancellor of the Exchequer .. 968
ARMY—THE MILITIA—THE REGULATIONS—Question, General Sir George Balfour; Answer, Mr. Gathorne Hardy .. 968
NAVY—NAVIGATING SUB-LIEUTENANTS—Question, Mr. Bruen; Answer, Mr. A. F. Egerton .. 968
NAVY—THE HERRING FISHERIES—Question, Mr. J. W. Barclay; Answer, Mr. A. F. Egerton .. 969
NAVY — NAVAL COLLEGE SITE, DARTMOUTH — Question, Mr. Edwards; Answer, Mr. A. F. Egerton .. 970
THE FOREST OF DEAN—ACT OF 10 GEO. IV., c. 50—Question, Colonel Kingscote; Answer, Mr. W. H. Smith .. 970
CENTRAL AFRICA — MR. STANLEY—THE BRITISH FLAG — Question, Mr. Anderson; Answer, Mr. Bourke .. 971
NAVY — NAVAL CHAPLAINS — THE SOCIETY OF “THE HOLY CROSS”— Question, Mr. Whalley; Answer, Mr. A. F. Egerton .. 971

TABLE OF CONTENTS.

	<i>Page</i>
[July 9.]	
NAVY—H.M.S. "INFLEXIBLE"—A COMMITTEE OF INQUIRY—Question, Sir John Hay; Answer, The Chancellor of the Exchequer ..	972
RUSSIA AND TURKEY—RUMOURED INTERVENTION—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer ..	972
PARLIAMENT—SUPPLY—ORDER OF BUSINESS—RESOLUTION—	
Moved, "That, after the Order of the Day for the Second Reading of the South Africa Bill, this House will resolve itself into the Committee of Supply,"—(<i>Mr. Chancellor of the Exchequer</i>) ..	972
After short debate, Motion agreed to.	
South Africa Bill [<i>Lords</i>] [Bill 195]—	
Moved, "That the Bill be now read a second time,"—(<i>Mr. J. Lowther</i>) ..	974
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Courtney.</i>)	
After debate, Question put, "That the word 'now' stand part of the Question :"—The House <i>divided</i> ; Ayes 81, Noes 19; Majority 62.—(<i>Div. List, No. 226.</i>)	
Main Question put, and agreed to :—Bill read a second time, and committed for Thursday.	
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—	
BROADMOOR CRIMINAL LUNATIC ASYLUM—REPORT OF THE COMMITTEE—Observations, Mr. Rylands; Reply, Mr. Assheton Cross ..	1002
TURKEY—BOSNIA—DESPATCH OF CONSUL HOLMES—Observations, Question, Mr. Shaw Lefevre; Reply, Mr. Bourke :—Short debate thereon	1010
THE ESTIMATES, 1876-7—WRIT AND SEAL OFFICE (IRELAND)—RESOLUTION—Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the action of the Treasury in omitting to place a Vote on the Estimates for the financial year 1876-7, for the payment of the salary fixed by Statute to be paid to the Junior Clerk of the Writ and Seal Office in Ireland, to which office Mr. D. R. Pigot, junior, was appointed on the 20th day of November 1875, as directed by the Statute 13 Vic. c. 18, s. 33, and the duties of which he still discharges, is inconsistent with the intentions and spirit of the Act 17 and 18 Vic. c. 94, by which the payments of salaries, declared payable by Statute to the holders of certain freehold offices held during good behaviour, were transferred from the Consolidated Fund to the Estimates, without any intention of thereby diminishing the security of such payments, further than subjecting them to the control of Parliament by an annual Vote of this House,"—(<i>Mr. Cogan,</i>)—instead thereof ..	1023
Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put :—The House <i>divided</i> ; Ayes 227, Noes 38; Majority 189.—(<i>Div. List, No. 227.</i>)	
RUSSIA—HON. COLONEL WELLESLEY—MILITARY ATTACHE—Observations, General Shute; Reply, Mr. Gathorne Hardy :—Short debate thereon	1031
Main Question, "That Mr. Speaker do now leave the Chair," by leave, withdrawn :—Committee deferred till To-morrow, at Two of the clock.	
Game Laws (Scotland) Amendment Bill—	
Moved, "That the Lords Amendments be now taken into Consideration,"—(<i>Mr. M'Lagan</i>) ..	1037
After short debate, Question put :—The House <i>divided</i> ; Ayes 181, Noes 27; Majority 104.—(<i>Div. List, No. 228.</i>)	
Moved, "That the Debate be now adjourned,"—(<i>Mr. Parnell :</i>)—Question put, and agreed to :—Debate adjourned till Thursday.	

TABLE OF CONTENTS.

[July 9.]	Page
Wine and Beerhouse Act (1869) Amendment Bill [Bill 177]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Staveley Hill</i>)	1038
<i>Moved</i> , "That the Debate be now adjourned,"—(<i>Lord Frederick Cavendish</i> :)	
—After short debate, Motion agreed to :—Debate adjourned till <i>Wednesday</i> .	

WAYS AND MEANS—

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the year ending on the 31st day of March 1878, the sum of £20,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

LORDS, TUESDAY, JULY 10.

ARTIZANS AND LABOURERS' DWELLINGS ACT—DEMOLITIONS IN FETTER LANE	
—Observations, The Earl of Shaftesbury; Reply, Earl Beauchamp ..	1039
NAVY—H.M.S. "INFLEXIBLE"—Observations, The Duke of Somerset;	
Reply, The Duke of Richmond and Gordon ..	1040
New Forest Bill (No. 129)—	
House in Committee; Bill <i>reported</i> , without Amendment; and to be read 3 ^d on <i>Thursday</i> next ..	1041

COMMONS, TUESDAY, JULY 10.

INLAND REVENUE—SPIRITS IN BOND—Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer ..	1041
EDUCATION DEPARTMENT—CONFERENCE ON DOMESTIC ECONOMY, BIRMINGHAM—Question, Mr. Muntz; Answer, Viscount Sandon ..	1042
NAVY—ENGLISH OFFICERS IN THE TURKISH SERVICE—Question, Mr. W. Whitworth; Answer, Mr. A. F. Egerton ..	1043
RUSSIA AND TURKEY—RUMOURED INTERVENTION—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer ..	1044
NAVY—THE NAVAL COLLEGE SITE, DARTMOUTH—Question, Sir Frederick Perkins; Answer, Mr. A. F. Egerton ..	1045
SOUTH AFRICA BILL—Notice, Mr. E. Jenkins; Questions, Mr. W. E. Forster, Mr. Muntz; Answers, The Chancellor of the Exchequer ..	1045
THE MAGISTRACY (IRELAND)—MR. WILLIAM ANCKETELL—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach ..	1046

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

CIVIL SERVICE ESTIMATES—THE EDUCATION VOTES—DEPARTMENTAL STATEMENT—PARLIAMENT—RULES AND PRACTICE OF THE HOUSE—Observations, Viscount Sandon ..

After short debate, *Moved*, "That this House do now adjourn,"—(*Mr. William Edward Forster* :)—After further short debate, Motion, by leave, *withdrawn*.

Original Question again proposed, "That Mr. Speaker do now leave the Chair:"—

TRAINING COLLEGES—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the English Education Code, by requiring that all students of training colleges receiving Government aid must reside within such colleges, a condition not imposed by the Scotch Code, and by withholding from graduates of universities

TABLE OF CONTENTS.

[July 10.]

Page

SUPPLY—Order for Committee read—TRAINING COLLEGES—RESOLUTION—*continued*.

the encouragement offered by the Scotch Code to enter on the profession of Elementary Teachers, tends to increase the cost of the erection and maintenance of these colleges, and to diminish the number of duly qualified teachers,"—(Mr. Samuelson,)—instead thereof 1053

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided*; Ayes 121, Noes 78; Majority 43.—(Div. List, No. 229.)

EDUCATION DEPARTMENT—SCHOOL BOARDS—SELECTION OF SUBJECTS—Observations, Sir John Lubbock:—Short debate thereon 1060

EDUCATION DEPARTMENT—ALLOWANCES AND PENSIONS OF TEACHERS—Observations, Lord Francis Hervey:—Short debate thereon .. 1069

THE EXPENDITURE ON ELEMENTARY EDUCATION—Observations, Mr. Chamberlain; Reply, Viscount Sandon 1072

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—

(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) £1,260,829, to complete the sum for Public Education, England and Wales.—After short debate, Vote *agreed to* 1079

(2.) £224,689, to complete the sum for the Science and Art Department, *agreed to*.

Resolutions to be reported.

Motion made, and Question proposed, "That a sum, not exceeding £288,782, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for Public Education in Scotland" 1084

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Lyon Playfair:.)—Motion *agreed to*.

Resolutions to be reported *To-morrow*; Committee also report Progress; to sit again *To-morrow*.

Public Health (Ireland) Bill [Bill 116]—

Order for Second Reading read 1085

After short debate, Bill read a second time, and *committed* to a Select Committee.

The House suspended its Sitting at ten minutes to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

INDIA TARIFF—IMPORT DUTIES ON COTTON MANUFACTURES—RESOLUTION—

Moved, "That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay,"—(Mr. Birley) .. 1085

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the present condition of the finances of India, it is not possible to abandon the greater part of the Import Duties without an extensive re-adjustment of the financial system, and a fair consideration of other claims to remission of taxation,"—(Sir George Campbell,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn*.

Amendment proposed,

To add, at the end of the Question, the words "so soon as the financial condition of India will permit,"—(Lord George Hamilton.)

TABLE OF CONTENTS.

[July 10.]	<i>Page</i>
INDIA TARIFF—IMPORT DUTIES ON COTTON MANUFACTURES—RESOLUTION—continued.	
Question, "That those words be there added," put, and <i>agreed to</i> .	
Main Question, as amended, put.	
<i>Resolved</i> , That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay, so soon as the financial condition of India will permit.	
WAYS AND MEANS—	
Consolidated Fund (£20,000,000) Bill—	
Resolution [July 9] <i>reported</i> , and <i>agreed to</i> :—Bill ordered (<i>Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith</i>) ; <i>presented</i> , and read the first time	.. 1128
CHURCH OF ENGLAND ENDOWMENTS—Resolution, Mr. Whalley	.. 1128
	[House counted out.]
COMMONS, WEDNESDAY, JULY 11.	
ROADS AND BRIDGES (SCOTLAND) BILL—Questions, Sir Robert Anstruther, Sir Windham Anstruther; Answers, Mr. W. H. Smith	.. 1129
Church Rates Abolition (Scotland) Bill [Bill 30]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. M'Laren</i>)	.. 1130
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Mark Stewart</i> .)	
After long debate, Question put, "That the word 'now' stand part of the Question :"—The House <i>divided</i> ; Ayes 143, Noes 204; Majority 61.—(Div. List, No. 230.)	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Second Reading <i>put off</i> for three months.	
Irish Peerage Bill (Lords) [Bill 119]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Plunket</i>)	.. 1164
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	
Registration of Leases (Scotland) Act (1857) Amendment Bill—Ordered (<i>Mr. Montgomerie, Mr. Mackintosh, Sir William Cunningham</i>) ; <i>presented</i>, and read the first time [Bill 246]	.. 1167

LORDS, THURSDAY, JULY 12.

Their Lordships having gone through the Business on the Paper, without debate—[House adjourned]

COMMONS, THURSDAY, JULY 12.

METROPOLIS—NEW LODGE IN HYDE PARK—Question, Sir Charles W. Dilke; Answer, Mr. Gerard Noel	.. 1168
THE SOUTHERN PACIFIC—THE SAMOA ISLANDS—Question, Mr. Baxter; Answer, Mr. Bourke	.. 1168
QUEEN ANNE'S BOUNTY BOARD—Question, Mr. Bass; Answer, Mr. Assheton Cross	.. 1169
GIBRALTAR—NEW CUSTOM HOUSE REGULATIONS—Question, Mr. Mac Iver; Answer, Mr. J. Lowther	.. 1169
SOUTH AFRICA CONFEDERATION—THE TRANSVAAL TERRITORY—Question, Mr. A. Mills; Answer, Mr. J. Lowther	.. 1170
THE CIVIL SERVICE—WRITERS IN GOVERNMENT OFFICES—Question, Mr. Gordon; Answer, The Chancellor of the Exchequer	.. 1171

TABLE OF CONTENTS.

[July 12.]

	<i>Page</i>
TURKEY—RELEASE OF BULGARIAN PRISONERS—Question, Mr. Baxter; Answer, Mr. Bourke	1171
CHRIST'S HOSPITAL—SUICIDE OF A SCHOLAR—Question, Mr. Serjeant Sherlock; Answer, Mr. Assheton Cross	1172
THE SOCIETY OF THE HOLY CROSS—"THE PRIEST IN ABSOLUTION"—Question, Mr. Hussey Vivian; Answer, The Chancellor of the Exchequer	1174
ARMY—SCHOOL OF MILITARY ENGINEERING AT CHATHAM—Question, Mr. H. B. Samuelson; Answer, Mr. Gathorne Hardy	1175
RUSSIA AND TURKEY—ALLEGED RUSSIAN ATROCITIES—Questions, Mr. Ritchie, Sir George Bowyer; Answers, Mr. Bourke, The Chancellor of the Exchequer	1175
ARMY MEDICAL OFFICERS RETIREMENT—Question, Dr. Ward; Answer, Mr. Gathorne Hardy	1176
ENDOWED SCHOOLS—STAMFORDHAM SCHOOL—Question, Mr. Beaumont; Answer, Viscount Sandon	1176
INDIAN WAR CHARGES—Question, Lord Frederick Cavendish; Answer, The Chancellor of the Exchequer	1177
ARMY—REGIMENTAL MAJORS AND LIEUTENANT COLONELS—Question, Mr. Stacpoole; Answer, Mr. Gathorne Hardy	1177
FRANCE—PASSPORTS—Question, Mr. Repton; Answer, Mr. Bourke	1178
NAVY—RETIRED NAVAL OFFICERS—Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton	1178
CRIMINAL LAW—CONVEYANCE OF PRISONERS—Question, Mr. Paget; Answer, Mr. Assheton Cross	1179
NAVY—THE NEW NAVAL COLLEGE, DARTMOUTH—Question, Sir H. Drummond Wolff; Answer, Mr. A. F. Egerton	1179
THE COLORADO BEETLE—Question, Captain Nolan; Answer, Sir Michael Hicks-Beach	1180
PERU—THE PERUVIAN IRON-CLAD "HUASCAR"—Question, Captain Pim; Answer, Mr. A. F. Egerton	1180
NAVY—H.M.S. "INFLEXIBLE"—Question, Captain Pim; Answer, Mr. A. F. Egerton	1181
UNITED STATES—THE PHILADELPHIA EXHIBITION—THE REPORT—Question, Sir Henry Havelock; Answer, Viscount Sandon	1181
THE BURIALS QUESTION—NOTICE OF MOTION WITHDRAWN—Question, Mr. Hussey Vivian; Answer, Mr. Osborne Morgan	1181
SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—Question, Mr. Richard Smyth; Answer, The Chancellor of the Exchequer	1182

Moved, "That this House do now adjourn,"—(*Mr. Sullivan* :)—After debate, Question put, and *negatived*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

'INLAND NAVIGATION (IRELAND)—BALLINAMORE CANAL—Observations, Captain O'Beirne; Reply, Sir Michael Hicks-Beach 1201

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—

(In the Committee.)

- (1.) £288,782, to complete the sum for Public Education, Scotland.—After debate, *Vote agreed to* 1204
- (2.) £430,236, to complete the sum for Public Education, Ireland.—After debate, *Vote agreed to* 1223
- (3.) £20,028, to complete the sum for the Chief Secretary for Ireland's Offices.—After short debate, *Vote agreed to* 1236
- (4.) £300, to complete the sum for the Boundary Survey, Ireland, *agreed to*.
- (5.) £1,485, to complete the sum for the Charitable Donations and Bequests Office, Ireland, *agreed to*.

TABLE OF CONTENTS.

[July 12.]	Page
SUPPLY—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—Committee—continued.	
(6.) Motion made, and Question proposed, "That a sum, not exceeding £95,184, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Local Government Board in Ireland"	1237
Motion made, and Question proposed, "That a sum, not exceeding £93,184, be granted, &c."—(Mr. Meldon :)—After short debate, Amendment, by leave, withdrawn.	
Original Question again proposed.	
Motion made, and Question proposed, "That a sum, not exceeding £93,984, be granted, &c."—(Mr. Gray :)—Question put :—The Committee divided; Ayes 34, Noes 156; Majority 122.—(Div. List, No. 231.)	
Original Question put, and agreed to.	
Resolutions to be reported <i>To-morrow</i> , at Two of the clock; Committee to sit again <i>To-morrow</i> , at Two of the clock.	
Post Office Money Orders Bill [Bill 212]—	
Moved, "That the Bill be now read a second time,"—(Lord John Manners)	1240
Moved, "That the Debate be now adjourned,"—(Sir John Lubbock :)—Motion agreed to :—Debate adjourned till Monday next.	
Game Laws (Scotland) Amendment Bill [Bill 233]—	
Order read, for resuming Adjourned Debate on Question [9th July], "That the Amendments made by the Lords to the Bill be now taken into consideration :"—Debate resumed	1240
Lords Amendments considered, and agreed to.	
LORDS, FRIDAY, JULY 13.	
SOCIETY OF THE HOLY CROSS—THE REV. E. H. CROSS—Observations, Lord Oranmore and Browne	1242
Universities of Oxford and Cambridge Bill (Nos. 114, 138)—	
House in Committee (on Re-commitment), according to Order	1242
Amendments made; the Report thereof to be received on <i>Tuesday</i> next; and Bill to be printed, as amended (No. 146.)	
THE ORDNANCE SURVEY—REDUCTION OF STAFF—Question, The Marquess of Lansdowne; Answer, The Duke of Richmond and Gordon	1267
COMMONS, FRIDAY, JULY 13.	
PEACE PRESERVATION (IRELAND) ACT, 1871—THE COUNTY OF LOUTH—	
Question, Mr. Kirk; Answer, Sir Michael Hicks-Beach	1268
PEACE PRESERVATION (IRELAND) ACT, 1871—EXTRA POLICE IN IRISH COUNTIES—Question, Mr. Kirk; Answer, Sir Michael Hicks-Beach	1268
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
CONVICT PRISONS—DISCIPLINE AND MANAGEMENT—ADDRESS FOR A ROYAL COMMISSION—Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, facilities for the independent inspection of convict establishments should be provided; and that an humble Address be presented to Her Majesty, praying that a Royal Commission be appointed to inquire into the discipline and management of these prisons,"—(Mr. Parnell,)—instead thereof	1269
Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, withdrawn.	
Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.	
VOL. CXXXV. [THIRD SERIES.] [•]	

TABLE OF CONTENTS.

[July 18.]

Page

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS II. —SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—

(In the Committee.)

- (1.) £4,476, to complete the sum for the Public Record Office, Ireland.
- (2.) Motion made, and Question proposed, "That a sum, not exceeding £21,995, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Office of Public Works in Ireland" .. 1278
- Motion made, and Question proposed, "That a sum, not exceeding £12,995, be granted, &c."—(Captain O'Beirne:.)—After short debate, Motion, by leave, withdrawn.
- Original Question put, and agreed to.
- (3.) £12,279, to complete the sum for the Registrar General's Department, &c., Ireland.
- (4.) £15,808, to complete the sum for the General Survey and Valuation, Ireland.—After short debate, Vote agreed to .. 1285
- (5.) £61,100, to complete the sum for Pauper Lunatics, Ireland, agreed to.

CLASS III.—LAW AND JUSTICE.

- (6.) £45,987, to complete the sum for Law Charges.—After short debate, Vote agreed to .. 1286
- (7.) £132,710, to complete the sum for Criminal Prosecutions.
- (8.) £132,530, to complete the sum for the Chancery Division of the High Court of Justice.—After short debate, Vote agreed to .. 1286
- (9.) £47,160, to complete the sum for the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice.—After short debate, Vote agreed to .. 1292
- (10.) £69,957, to complete the sum for the Probate and Divorce Registries of the High Court of Justice.
- (11.) Motion made, and Question proposed, "That a sum, not exceeding £9,831, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice" .. 1292
- Motion made, and Question proposed, "That a sum, not exceeding £8,231, be granted, &c."—(Sir Charles W. Dilke:.)—After short debate, Motion, by leave, withdrawn.
- Original Question put, and agreed to.

Resolutions to be reported.

- Motion made, and Question proposed, "That a sum, not exceeding £9,192, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Office of the Wreck Commissioner" .. 1293

After short debate, it being 10 minutes to Seven of the clock, the House resumed:—Resolutions to be reported upon *Monday* next; Committee also report Progress; to sit again *this day*.

CHRIST'S HOSPITAL—SUICIDE OF A SCHOLAR—Explanation, Mr. Ascheton Cross .. 1294

And it being Seven of the clock, House suspended its Sitting.

House resumed its sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

[House counted out.]

LORDS, MONDAY, JULY 16.

PRIVATE BILLS—POST OFFICE (TELEGRAPHS)—THE TELEGRAPH CLAUSES—

The Christchurch Gas Bill, having been read a third time, it was moved to insert certain of the clauses proposed by the Post Office Authorities to be inserted in Private Bills which may affect the Post Office Telegraph system.

On Question? Motion agreed to.

PROTEST (The Earl of Redesdale and Lord Hanmer) .. 1295

TABLE OF CONTENTS.

[July 16.]	Page
CRIME (IRELAND)—PROTECTION OF LIFE—LEGISLATION—Observations, Lord Oranmore and Browne:—Short debate thereon	1297
PRECOGNITION (SCOTLAND) — SUDDEN AND SUSPICIOUS DEATHS—MOTION FOR RETURNS—	
<i>Moved</i> for, Returns from each county in Scotland of the number of cases of sudden death or of death under suspicious or unknown circumstances which have been the subject of precognition by procurators fiscal in each of the years 1875-76; also specifying the number of such cases as have afterwards been the subject of criminal trials,—(<i>The Earl of Minto</i>)	1316
After short debate, Motion amended, and <i>agreed to</i> ; Returns ordered to be laid before the House.	

COMMONS, MONDAY, JULY 16.

EGYPT—CENTRAL AFRICA—THE KING OF UGANDA—Question, Sir Robert Anstruther; Answer, Mr. Bourke	1317
GAME LAWS (SCOTLAND) — EMPLOYMENT OF CONSTABLES—Question, Mr. J. W. Barclay; Answer, Mr. Assheton Cross	1318
TURKEY—BULGARIA—THE PROTECTORATE OF THE CZAR — Question, Mr. E. Jenkins; Answer, Mr. Bourke	1319
NAVY—H.M.S. "INFLEXIBLE"—THE COMMITTEE OF INQUIRY —Questions, Sir John Hay, Mr. Gourley; Answers, Mr. A. F. Egerton	1320
METROPOLIS WATER ACT, 1871 — SOUTHWARK AND VAUXHALL WATER SUPPLY—Question, Colonel North; Answer, Mr. Sclater-Booth	1320
PUBLIC HEALTH—SMALL-POX (METROPOLIS)—Question, Dr. Lush; Answer, Mr. Sclater-Booth	1321
ARMY—MEDICAL SERVICE, INDIA—Question, Dr. Lush; Answer, Lord George Hamilton	1322
THE PERSIAN EMBASSY, 1873—Question, Sir Thomas Chambers; Answer, Mr. Bourke	1322
LOCAL FINANCE—SCOTCH, WELSH, AND COLONIAL LOANS—Question, General Sir George Balfour; Answer, Mr. W. H. Smith	1323
CRIMINAL LAW — SANE AND INSANE PRISONERS — Question, Sir Joseph Bailey; Answer, Mr. Assheton Cross	1323
POST OFFICE TELEGRAPH DEPARTMENT—THE ROYAL ENGINEERS—Question, Sir Edward Watkin; Answer, Lord John Manners	1324
RUSSIA AND TURKEY — TURKISH BLOCKADE OF THE BLACK SEA—Questions, Sir Charles W. Dilke; Answers, Mr. Bourke	1324
NAVY—H.M.S. "INFLEXIBLE"—Question, Captain Pim; Answer, Mr. A. F. Egerton	1325
PERU—THE PERUVIAN IRONCLAD "HUASCAR"—Question, Captain Pim; Answer, Mr. A. F. Egerton	1325
CATTLE DISEASE (IRELAND) ACT—IMPORTATION OF STOCK INTO IRELAND—Question, Mr. Pemberton; Answer, Sir Michael Hicks-Beach	1326
NATIONAL SCHOOL TEACHERS AND TENANT-RIGHT — Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach	1326
CRIMINAL LAW—ALLEGED MISCARRIAGE OF JUSTICE—CASE OF STYRAN AND CROWTHER—Question, Mr. J. Cowen; Answer, Mr. Assheton Cross	1327
NATIONAL TEACHERS ACT, 1875—WORKHOUSE TEACHERS—Question, Mr. Charles Lewis; Answer, Sir Michael Hicks-Beach	1327
IRISH LAND ACT, 1870—CLERKS OF THE PEACE (IRELAND)—Question, Mr. Charles Lewis; Answer, Sir Michael Hicks-Beach	1328
THE CATTLE PLAGUE — SPREAD OF THE DISEASE — Question, Colonel Kingscote; Answer, Viscount Sandon	1329
PLUMSTEAD COMMON—LEGAL PROCEEDINGS—Question, Mr. Boord; Answer, The Chancellor of the Exchequer	1329

TABLE OF CONTENTS.

[July 16.]

Page

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

CONTROLLER OF THE STATIONERY OFFICE—APPOINTMENT OF MR. T. D. PIGOTT—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty’s Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State,”—(*Mr. John Holms*,)—instead thereof 1330

After debate, Question put, “That the words proposed to be left out stand part of the Question:”—The House *divided*; Ayes 152, Noes 156; Majority 4.—(Div. List, No. 233.)

Words *added*:—Main Question, as amended, put, and *agreed to*.

SUPPLY—Motion made, and Question proposed, “That this House will immediately resolve itself into the Committee of Supply,”—(*Mr. Chancellor of the Exchequer*.)

SCIENCE AND ART DEPARTMENT—PROVINCIAL SCIENTIFIC, AND INDUSTRIAL MUSEUMS—Observations, Mr. Chamberlain; Reply, Viscount Sandon:—Short debate thereon 1348

LAW AND JUSTICE—DETENTION IN PRISON BEFORE TRIAL—Observations, Sir William Harcourt; Reply, Mr. Assheton Cross 1354

Question put, and *agreed to*:—*Resolved*, That this House will immediately resolve itself into the Committee of Supply.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES—CLASS III.
—LAW AND JUSTICE—

(In the Committee.)

- (1.) £9,192, to complete the sum for the Wreck Commissioner’s Office.—After short debate, Vote *agreed to* 1358
- (2.) £36,340, to complete the sum for the London Bankruptcy Court.
- (3.) £316,643, to complete the sum for the County Courts.
- (4.) £3,918, to complete the sum for the Land Registry Office 1359
- After short debate, Amendment proposed, “That the Vote be disallowed,”—(*Mr. Dillwyn* :)—After further short debate, Amendment, by leave, *withdrawn*:—Vote *agreed to*.
- (5.) £10,745, to complete the sum for the Police Courts, London and Sheerness.—After short debate, Vote *agreed to* 1362
- (6.) £251,892, to complete the sum for the Metropolitan Police.—After short debate, Vote *agreed to* 1362
- (7.) £859,098, to complete the sum for Police, Counties and Boroughs (Great Britain).—After short debate, Vote *agreed to* 1362
- (8.) £340,085, to complete the sum for Convict Establishments in England and the Colonies.—After short debate, Vote *agreed to* 1366
- (9.) £74,187, to complete the sum for County Prisons, &c.
- (10.) £174,263, to complete the sum for Reformatory and Industrial Schools.—After short debate, Vote *agreed to* 1367
- (11.) £21,344, to complete the sum for Broadmoor Criminal Lunatic Asylum.—After short debate, Vote *agreed to* 1367
- (12.) £18,690, Miscellaneous Legal Charges.
- (13.) £51,608, to complete the sum for the Lord Advocate and Criminal Proceedings, Scotland.
- (14.) £45,898, to complete the sum for Courts of Law and Justice, Scotland.—After short debate, Vote *agreed to* 1371
- (15.) £25,614, to complete the sum for the Register House Departments, Edinburgh.—After short debate, Vote *agreed to* 1372
- (16.) £15,671, to complete the sum for the Prisons and Judicial Statistics, Scotland.
- (17.) £63,428, to complete the sum for Law Charges and Criminal Prosecutions, Ireland.
- (18.) £30,379, to complete the sum for the Court of Chancery, Ireland.
- (19.) £21,126, to complete the sum for Common Law Courts, Ireland.

TABLE OF CONTENTS.

[July 16.]

Page

SUPPLY—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Committee—*continued.*

(20.)	£8,768, to complete the sum for the Court of Bankruptcy, Ireland.	
(21.)	£8,488, to complete the sum for the Landed Estates Court, Ireland.	
(22.)	£8,548, to complete the sum for the Court of Probate, Ireland.	
(23.)	£1,200, to complete the sum for the Admiralty Court Registry, Ireland.	
(24.)	£13,628, to complete the sum for Registry of Deeds, Ireland.	
(25.)	£2,050, to complete the sum for Registry of Judgments, Ireland.	
(26.)	£97,391, to complete the sum for the Dublin Metropolitan Police.—After short debate, Vote agreed to	1375
(27.)	£786,030, to complete the sum for the Constabulary, Ireland.—After short debate, Vote agreed to	1378
(28.)	£29,800, to complete the sum for Government Prisons, &c., Ireland.—After short debate, Vote agreed to	1381
(29.)	£68,132, to complete the sum for County Prisons and Reformatories, Ireland.—After short debate, Vote agreed to	1382
(30.)	£4,427, to complete the sum for the Dundrum Criminal Lunatic Asylum, Ireland.	
(31.)	£51,666, to complete the sum for Miscellaneous Legal Charges, Ireland.—After short debate, Vote agreed to	1382

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again *To-morrow*, at Two of the clock.

Solway Salmon Fisheries Bill —Ordered (<i>The Lord Advocate, Mr. Secretary Cross</i>); presented, and read the first time [Bill 250]	1383
Saint Catherine's Harbour, Jersey, Bill —Ordered (<i>Mr. William Henry Smith, Mr. Secretary Cross</i>); presented, and read the first time [Bill 251]	1383
Metropolitan Board of Works (Money) Bill —Ordered (<i>Mr. William Henry Smith, Mr. Chancellor of the Exchequer</i>); presented, and read the first time [Bill 252]	1383
Treasury Chest Fund Bill —Ordered (<i>Mr. William Henry Smith, Mr. Chancellor of the Exchequer</i>); presented, and read the first time [Bill 253]	1383

LORDS, TUESDAY, JULY 17.

Universities of Oxford and Cambridge Bill (Nos. 114, 138, 146)—Amendments reported (according to Order)	1384
Further Amendments made:—Bill to be read 3 ^d on <i>Thursday</i> next; and to be printed, as amended. (No. 151.)	
REVISION OF THE IRISH STATUTES —Question, Observations, Lord O'Hagan; Reply, The Lord Chancellor	1384

COMMONS, TUESDAY, JULY 17.

THE STRAITS SETTLEMENTS—THE MALAY PENINSULA—EXPENSES OF THE CAMPAIGN —Question, Sir Charles W. Dilke; Answer, Mr. J. Lowther	1387
NAVY—KEYHAM FACTORY—CASE OF EDWARD OWENS —Question, Mr. Puleston; Answer, Mr. A. F. Egerton	1388
RUSSIA AND TURKEY—THE WAR—NEUTRAL VESSELS IN THE BLACK SEA —Questions, Mr. Gourley, Sir Charles W. Dilke; Answers, Mr. Bourke	1388
RUSSIA AND TURKEY—THE WAR—WAR INTELLIGENCE—THE AMEER OF KASHGAR —Question, Sir Charles W. Dilke; Answer, Mr. Bourke	1390
PERU—THE PERUVIAN LOANS OF 1870-1872 —Question, Mr. Rylands; Answer, Mr. Bourke	1391

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—

(In the Committee.)

(1.)	£5,176, to complete the sum for the National Gallery, agreed to.	
(2.)	£1,400, to complete the sum for the National Portrait Gallery, agreed to.	
(3.)	£9,250, to complete the sum for Learned Societies and Scientific Investigation.—After short debate, Vote agreed to	1392
(4.)	£7,970, to complete the sum for the University of London, agreed to.	
(5.)	£3,000, to complete the sum for the Deep Sea Exploring Expedition, agreed to.	

TABLE OF CONTENTS.

[July 17.]

Page

SUPPLY — CIVIL SERVICE ESTIMATES — CLASS IV.—EDUCATION, SCIENCE, AND ART— Committee—continued.

- (6.) £9,200, to complete the sum for the Paris International Exhibition.—After short debate, Vote *agreed to* .. 1402
- (7.) £2,072, to complete the sum for the Board of Education, Scotland, *agreed to*.
- (8.) £13,964, to complete the sum for Universities, &c., in Scotland, *agreed to*.
- (9.) £1,500, to complete the sum for the National Gallery &c., Scotland, *agreed to*.
- (10.) £440, to complete the sum for the Commissioners of Education (Endowed Schools), Ireland, *agreed to*.
- (11.) £1,789, to complete the sum for the National Gallery of Ireland, *agreed to*.
- (12.) £3,494, to complete the sum for the Queen's University, Ireland, *agreed to*.
- (13.) £9,404, to complete the sum for Queen's Colleges, Ireland, *agreed to*.

CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.

- (14.) Motion made, and Question proposed, "That a sum, not exceeding £139,725, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Expenses of Her Majesty's Embassies and Missions Abroad" .. 1404
- Motion made, and Question proposed, "That a sum, not exceeding £134,725, be granted, &c."—(*Mr. Rylands*.)—After short debate, Question put, and *negatived*.
- Original Question put, and *agreed to*.
- (15.) £165,894, to complete the sum for Consular Services.—After short debate, Vote *agreed to* .. 1412
- Motion made, and Question proposed, "That a sum, not exceeding £53,176, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies" .. 1413
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £23,176, be granted, &c."—(*Sir Charles W. Dilke* :)—After further short debate, Motion, by leave, *withdrawn*.
- Original Motion, by leave, *withdrawn*.
- (16.) £2,044, to complete the sum for the Orange River Territory and St. Helena, *agreed to*.
- (17.) £5,642, to complete the sum for the Suppression of the Slave Trade, *agreed to*.
- (18.) £11,537, to complete the sum for Tonnage Bounties, &c., and Liberated African Department, *agreed to*.
- (19.) £1,742, to complete the sum for Emigration, *agreed to*.
- (20.) £1,170, to complete the sum for the Suez Canal (British Directors).—After short debate, Vote *agreed to* .. 1418

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

- (21.) £254,011, to complete the sum for Superannuations and Retired Allowances.—After short debate, Vote *agreed to* .. 1420
- (22.) £19,600, to complete the sum for the Merchant Seamen's Fund, Pensions, &c., *agreed to*.
- (23.) £22,500, to complete the sum for the Relief of Distressed British Seamen Abroad, *agreed to*.
- (24.) £11,404, to complete the sum for Hospitals and Infirmaries, Ireland, *agreed to*.
- (25.) £2,741, to complete the sum for Miscellaneous Charitable Allowances, &c. Great Britain, *agreed to*.
- (26.) £2,762, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland, *agreed to*.
- (27.) £2,700, to complete the sum for Commutation of Annuities, *agreed to*.

CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.

- (28.) £12,969, to complete the sum for Temporary Commissions, *agreed to*.
- (29.) £6,045, to complete the sum for Miscellaneous Expenses.—After short debate, Vote *agreed to* .. 1421

Resolutions to be reported.

REVENUE DEPARTMENTS.

- Motion made, and Question proposed, "That a sum, not exceeding £733,315, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Customs Department" .. 1421
- Motion made, and Question proposed, "That a sum, not exceeding £33,315, be granted, &c."—(*Mr. O'Sullivan*.)
- After short debate, it being ten minutes before Seven of the clock, the House *resumed*:—Resolutions to be reported *To-morrow*; Committee also report Progress; to sit again *To-morrow*.

TABLE OF CONTENTS.

[July 17.]

Page

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

TURKISH LOAN (1854)—Resolution, Mr. Russell Gurney 1423
[House counted out.]

COMMONS, WEDNESDAY, JULY 18.

Intoxicating Liquors (Ireland) Bill [Bill 37]—

Order for Second Reading read 1424

A POINT OF ORDER—Observations, Mr. Sullivan.

After short debate, *Moved*, "That the Bill be now read a second time,"—
(*Mr. Sullivan*) 1430

Amendment proposed, to leave out the word "now," and at the end of the
Question to add the words "upon this day three months,"—(*Mr. Shaw.*)

After long debate, Question, "That the word 'now' stand part of the
Question," put, and *negatived*.

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second
Reading *put off* for three months.

Intoxicating Liquors (Licensing Boards) Bill [Bill 24]—

Moved, "That the Bill be now read a second time,"—(*Mr. J. Cowen*) .. 1471

Amendment proposed, to leave out the word "now," and at the end
of the Question to add the words "upon this day three months,"—
(*Mr. Rodwell.*)

After short debate, Question put, "That the word 'now' stand part of
the Question:"—The House *divided*; Ayes 85, Noes 133; Majority
48.—(Div. List, No. 234.)

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second
Reading *put off* for three months.

SUPPLY—REPORT—Resolutions [July 17] reported.

First Twenty-seven Resolutions *agreed to*.

Twenty-eighth Resolution *postponed*.

Subsequent Resolution *agreed to*.

Postponed Resolution to be considered *To-morrow*.

Valuation of Land and Hereditaments Bill—*Ordered* (*Mr. Ramsay, Sir Graham Montgomery, Mr. Baxter, Mr. Rodwell, Mr. Joseph Cowen, Mr. Maitland*); *presented*,
and read the first time [Bill 256] 1477

LORDS, THURSDAY, JULY 19.

CONTROLLER OF THE STATIONERY OFFICE—APPOINTMENT OF MR. T. D.

PICOTT—Personal Statement, The Earl of Beaconsfield; Observations,
Earl Granville:—Short debate thereon 1477

Universities of Oxford and Cambridge Bill (Nos. 114, 138, 146, 151)—

Order of the Day for the Third Reading, read 1490

After short debate, Bill read 3^d, with the Amendments; further Amend-
ments made; Bill *passed*, and sent to the Commons.

RUSSIA AND THE PORTE—THE CIRCULAR DESPATCH OF THE OTTOMAN GOVERNMENT—MOTION FOR PAPERS—

Moved that an humble address be presented to Her Majesty for, Copy of any answer from
Her Majesty's Government to the circular despatch of the Ottoman Government to
its representatives abroad, dated 25th January,—(*The Lord Stratheden and Campbell*) 1491

After short debate, Motion (by leave of the House) *withdrawn*.

TABLE OF CONTENTS.

COMMONS, THURSDAY, JULY 19.	Page
PARLIAMENT — PRIVILEGE — CIRCULARS TO MEMBERS — Question, Mr. Forsyth; Answer, Mr. Speaker ..	1513
EXPLOSIVES ACT — THE MAGISTRATES AT LANCHESTER — Question, Mr. Macdonald; Answer, Mr. Assheton Cross ..	1513
MALTA—FOOD TAXES—MR. ROWSELL'S REPORT—Question, Mr. Bayley Potter; Answer, Mr. J. Lowther ..	1514
ARMY—ALDERSHOT CAMP—PURCHASE OF CHOBHAM RIDGES—Question, Mr. Shaw Lefevre; Answer, Mr. Gathorne Hardy ..	1514
CHRIST'S HOSPITAL—SUICIDE OF A SCHOLAR—Question, Mr. Fawcett; Answer, Mr. Assheton Cross ..	1515
POOR LAW UNIONS (IRELAND)—Question, Mr. Macartney; Answer, Sir Michael Hicks-Beach ..	1515
ARMY RETIREMENT — THE RESERVE FORCES — Question, Sir George Campbell; Answer, Mr. Gathorne Hardy ..	1516
NAVY—H.M.S. "MONARCH"—Question, Mr. Gourley; Answer, Mr. A. F. Egerton ..	1516
RUSSIA AND TURKEY — THE WAR—ALLEGED BULGARIAN AND RUSSIAN ATROCITIES—Question, Mr. R. Power; Answer, Mr. Bourke ..	1517
ARMY — RIFLE MILITIA REGIMENTS — UNIFORMS — Question, Colonel Naghten; Answer, Mr. Gathorne Hardy ..	1517
THE SLAVE TRADE—AFRICA (EAST COAST)—LIBERATED SLAVES—Question, Sir Robert Anstruther; Answer, Mr. Bourke ..	1518
NAVY—THE NEW NAVAL COLLEGE, DARTMOUTH—Question, Sir H. Drummond Wolff; Answer, The Chancellor of the Exchequer ..	1519
LAW AND JUSTICE—PUBLIC PROSECUTORS—Question, Mr. Chadwick; Answer, Mr. Assheton Cross ..	1519
LOCAL TAXATION—HIGHWAYS AND TURNPIKES—Question, Mr. Severne; Answer, Mr. Sclater-Booth ..	1520
BOARDS OF GUARDIANS, &C. (IRELAND)—Questions, Mr. Stacpoole; Answer, Sir Michael Hicks-Beach ..	1521
INLAND REVENUE—GROCCERS' LICENCES—Question, Mr. Dalrymple; Answer, Mr. Assheton Cross ..	1521
THE IRISH CONSTABULARY—SALUTES—Question, Major O'Gorman; Answer, Sir Michael Hicks-Beach ..	1522
NAVY—H.M.S. "INFLEXIBLE"—THE COMMITTEE OF INQUIRY—THE INSTRUCTIONS—Question, Mr. Ashbury; Answer, The Chancellor of the Exchequer ..	1522
THAMES RIVER (PREVENTION OF FLOODS) BILL—Question, Mr. Gordon; Answer, Sir Charles W. Dilke ..	1523
ARMY — DEFICIENT TRANSPORT—THE WINDSOR REVIEW—Question, Mr. Hayter; Answer, Mr. Gathorne Hardy ..	1523
METROPOLIS — THE NEW LODGE IN HYDE PARK — Question, Mr. Rylands; Answer, Mr. W. H. Smith ..	1524
MINES (SCOTLAND)—INUNDATION OF THE HOME FARM COLLIERY—Question, Mr. Macdonald; Answer, Mr. Assheton Cross ..	1524
ROADS AND BRIDGES (SCOTLAND) BILL—Question, Mr. M'Laren; Answer, Mr. Orr Ewing ..	1525
RUSSIA AND TURKEY—THE WAR—THE SULINA MOUTH OF THE DANUBE—Question, Mr. Hanbury; Answer, Mr. Bourke ..	1526
SOUTH AFRICA CONFEDERATION—THE TRANSVAAL TERRITORY—Question, Mr. A. Mills; Answer, Mr. J. Lowther ..	1527
THE PRISONS ACT — THE PRISON COMMISSIONERS—Question, Mr. Hibbert; Answer, Mr. Assheton Cross ..	1527
ARMY—ESCAPE OF A DEFAULTING OFFICER—Question, Mr. Callan; Answer, Mr. Gathorne Hardy ..	1528
PARLIAMENT—THE BUSINESS OF THE SESSION—Question, Observations, The Marquess of Hartington; Reply, The Chancellor of the Exchequer:—Short debate thereon ..	1529

TABLE OF CONTENTS.

[July 19.]	<i>Page</i>
Supreme Court of Judicature (Ireland) (<i>re-committed</i>) Bill—	
Bill <i>considered</i> in Committee [<i>Progress 5th July</i>]	1536
After some time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
SUPPLY [17TH JULY]—Report	1548
Postponed Resolution,—	
(28.) “That a sum, not exceeding £12,969, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Incidental Ex- penses of Temporary Commissions,”	
— <i>considered</i> .	
After short debate, Resolution <i>agreed to</i> .	
SUPPLY—Resolutions [16th July] reported	1548
First Resolution <i>brought up</i> , and read the first and second time.	
<i>Moved</i> , “That this House doth agree with the Committee in the said Resolution.”	
<i>Moved</i> , “That the Debate be now adjourned,”—(<i>Mr. Parnell</i> :)—After short debate, Question put :—The House <i>divided</i> ; Ayes 16, Noes 98; Majority 82.—(Div. List, No. 238.)	
Question, “That this House doth agree with the Committee in the said Resolution,” put, and <i>agreed to</i> .	
After short debate, the next Thirteen Resolutions <i>agreed to</i> .	
Fifteenth Resolution <i>postponed</i> .	
The next Resolution <i>agreed to</i> .	
Seventeenth Resolution <i>postponed</i> .	
The next Eight Resolutions <i>agreed to</i> .	
Twenty-sixth Resolution <i>postponed</i> .	
Subsequent Resolutions <i>agreed to</i> .	
Postponed Resolutions to be considered upon <i>Monday</i> next.	
PUBLIC HEALTH (IRELAND) BILL—	
Select Committee <i>nominated</i> :—List of the Committee	1550

LORDS, FRIDAY, JULY 20.

KIRWEE BOOTY—MOTION FOR A PAPER—

<i>Moved</i> that there be laid before this House, Copy of a Protest, dated 29th June 1877, addressed to the Secretary of the Treasury for submission to the Government De- partments concerned, by Major-General Colin Mackenzie, C.B., on the part of claim- ants of the undistributed portion of the Kirwee Booty,—(<i>The Earl of Longford</i>) ..	1550
After short debate, Motion <i>agreed to</i> .	

INDIA—COOLIE EMIGRATION—MOTION FOR PAPERS—

<i>Moved</i> that an humble Address be presented to Her Majesty for, Copy of the despatch addressed by the Marquess of Salisbury to the Governor-General of India, dated 24th March 1875, respecting Coolie Emigration from India to the British West India Colonies; together with copies of any subsequent despatches and correspondence on the same subject; with the reply of the Government of India, and any documents accompanying the same,—(<i>The Lord Hampton</i>)	1556
After short debate, Motion <i>agreed to</i> .	

COMMONS, FRIDAY, JULY 20.

NATIONAL EDUCATION (IRELAND) BOARD — LISNAHANNA SCHOOL — Question, Mr. Archdale; Answer, Sir Michael Hicks-Beach	1562
PARLIAMENT—BUSINESS OF THE HOUSE—Question, Mr. Monk; Answer, The Chancellor of the Exchequer	1563
GIBRALTAR—THE TRADE AND CUSTOMS ORDINANCE—Questions, Mr. Hibbert, Mr. Rylands; Answers, Mr. J. Lowther	1563
VOL. CCXXXV. [THIRD SERIES.] [f]	

TABLE OF CONTENTS.

[July 20.]	<i>Page</i>
CONTROLLER OF THE STATIONERY OFFICE—APPOINTMENT OF MR. T. D. PIGOTT—RESOLUTION OF 16TH JUNE—Observations, The Chancellor of the Exchequer:—Short debate thereon	1564
Supreme Court of Judicature (Ireland) (<i>re-committed</i>) Bill—	
Bill <i>considered</i> in Committee [<i>Progress 19th July</i>]	1572
After some time spent therein, it being ten minutes to Seven of the clock, the Debate stood adjourned till <i>this day</i> .	
Committee report Progress; to sit again <i>this day</i> .	
And it being Seven of the clock, the House suspended its sitting.	
—————	
The House resumed its sitting at Nine of the clock.	
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
CRIMINAL LAW —PARDON OF THE FENIAN CONVICTS—RESOLUTION—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the time has come when Her Majesty's gracious pardon may be advantageously extended to the prisoners, whether convicted before the Civil Tribunals or by Courts Martial, who are and have been for many years undergoing punishment for offences arising out of insurrectionary movements connected with Ireland,"—(<i>Mr. O'Connor Power</i> ,)—instead thereof	
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House <i>divided</i> ; Ayes 235, Noes 77; Majority 158.—(<i>Div. List, No. 241.</i>)	
Main Question proposed, "That Mr. Speaker do now leave the Chair:"—	
INTERMEDIATE EDUCATION (IRELAND)—Observations, Mr. O'Shaughnessy; Reply, Sir Michael Hicks-Beach	
Original Motion, by leave, <i>withdrawn</i> :—Committee <i>deferred</i> till Monday next.	
Supreme Court of Judicature (Ireland) (<i>re-committed</i>) Bill—	
Bill <i>considered</i> in Committee [<i>Progress 20th July</i>]	
After long time spent therein, Committee report no Progress; to sit again <i>To-morrow</i> .	
Police Expenses Act Continuance Bill—Ordered (<i>Mr. William Henry Smith, Mr. Chancellor of the Exchequer</i>); presented, and read the first time [Bill 259]	

COMMONS, SATURDAY, JULY 21.

Supreme Court of Judicature (Ireland) (<i>re-committed</i>) Bill—	
Bill <i>considered</i> in Committee [<i>Progress 20th July</i>]	1630
After some time spent therein, Bill <i>reported</i> ; as amended, to be considered upon <i>Tuesday</i> next, and to be <i>printed</i> . [Bill 260.]	

LORDS, MONDAY, JULY 23.

THE MEDITERRANEAN GARRISONS—Question, Earl Granville; Answer, The Earl of Derby	1652
CONTAGIOUS DISEASES (ANIMALS) ACT, 1869—IMPORTED CATTLE—Question, Earl Fortescue; Answer, The Duke of Richmond and Gordon	1652

TABLE OF CONTENTS.

COMMONS, MONDAY, JULY 23.

Page

Dublin Central Tramways Bill [Lords] (by Order)—

Moved, "That the Bill be now taken into Consideration" .. 1653

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Ashley*).

Question proposed, "That the word 'now' stand part of the Question:"
—After short debate, Amendment and Motion, by leave, *withdrawn*.

Ordered, That the Bill, as amended in the Committee, be referred to the Examiner of Petitions for Private Bills, to inquire whether the Amendments involve any infraction of the Standing Orders of this House,—(*The Chairman of Ways and Means*.)

EDUCATION — ENDOWED SCHOOLS—THE TONBRIDGE SCHOOL—Question, Mr. Goldsmid; Answer, Viscount Sandon	1658
LAW AND JUSTICE—STOKESLEY COUNTY COURTS—Question, Mr. Wait; Answer, Mr. Assheton Cross	1658
DISSENTING SERVICES IN PARISH CHURCHYARDS — Question, Mr. Seely; Answer, The Attorney General	1659
BOARD OF PUBLIC WORKS (IRELAND) — COMMITTEE OF INQUIRY — THE BALLINAMORE AND ULSTER CANALS—Question, Captain O'Beirne; Answer, Sir Michael Hicks-Beach	1659
NAVY—PROMOTION AND RETIREMENT OF MARINES — Question, Mr. Gorst; Answer, The Chancellor of the Exchequer	1660
NAVY—THE NEW NAVAL COLLEGE, DARTMOUTH—Question, Sir H. Drummond Wolff; Answer, The Chancellor of the Exchequer	1660
ITALY AND ALBANIA—Question, Mr. Wait; Answer, Mr. Bourke	1661
ITALY—GERMANY—Question, Mr. Errington; Answer, Mr. Bourke	1661
PRISONS (SCOTLAND)—CATHOLIC PRISONERS—Question, Mr. Redmond; Answer, Mr. Assheton Cross	1661
ADMIRALTY COURTS, CORK AND BELFAST — Question, Mr. M'Carthy Downing; Answer, The Attorney General for Ireland	1662
INDIA—CHURCH OF ENGLAND MISSIONARIES AND INDIAN BISHOPS—Question, Mr. A. Mills; Answer, Lord George Hamilton	1662
TURKEY—BOSNIA AND HERZEGOVINA—Question, Mr. Rylands; Answer, Mr. Bourke	1663
POST OFFICE SUNDAY DUTY—SHEFFIELD, &c.—Question, Mr. Mundella; Answer, Lord John Manners	1663
TURKEY — ALLEGED OUTRAGES IN ARMENIA — Question, Mr. H. B. Samuelson; Answer, Mr. Bourke	1664
MERCANTILE MARINE—HOLYHEAD HARBOUR—WRECK OF THE STEAMSHIP "EDITH"—Question, Mr. French; Answer, Mr. E. Stanhope	1664
LEGISLATURE OF BARBADOES—Question, Mr. Puleston; Answer, Mr. J. Lowther	1665
CORONERS (IRELAND) BILL—Question, Mr. French; Answer, Sir Michael Hicks-Beach	1665
RUSSIA AND TURKEY—THE WAR—SIR ARNOLD KEMBALL—DESPATCH OF TROOPS TO GALLIPOLI—Question, Mr. Callan; Answer, Mr. Bourke	1666
HAMMERSMITH BRIDGE AND THE INTERNATIONAL REGATTA — Question, Mr. Puleston; Answer, Mr. Assheton Cross	1666
ARMY PROMOTION AND RETIREMENT—Questions, Mr. Trevelyan; Answers, Mr. Gathorne Hardy	1666
ARMY — AUXILIARY FORCES — DRUNKENNESS IN MILITIA REGIMENTS — Question, Sir Joseph Bailey; Answer, Mr. Gathorne Hardy	1667
RUSSIA AND TURKEY—THE WAR—OCCUPATION OF GALLIPOLI—Question, The Marquess of Hartington; Answer, The Chancellor of the Exchequer	1668

TABLE OF CONTENTS.

[July 23.]

Page

PARLIAMENT—BUSINESS OF THE HOUSE—RESOLUTION—

Moved, "That, for the remainder of the Session, Orders of the Day have precedence of Notices of Motion upon Tuesday, Government Orders having priority; and that Government Orders have priority upon Wednesday,"—(*Mr. Chancellor of the Exchequer*) 1668

Amendment proposed, to leave out all the words after the word "priority," in line 3, to the end of the Question,—(*Mr. Monk.*)

After debate, Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided*; Ayes 386, Noes 15: Majority 371.—(Div. List, No. 244.)

Main Question put:—The House *divided*; Ayes 321; Noes 13: Majority 308.—(Div. List, No. 245.)

CONTROLLER OF THE STATIONERY OFFICE — APPOINTMENT OF MR. T. D. PIGOTT—RESOLUTION [16TH JULY] RESCINDED—

Moved, "That the Orders of the Day be postponed until after the Notice of Motion relating to the appointment to the office of Controller of the Stationery Office,"—(*Mr. Chancellor of the Exchequer*) .. 1688

After short debate, Question put, and *agreed to*.

On the Motion of Sir WALTER B. BARTHELOT, Resolution [16th July] read, as follows:—

Resolved, "That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State."

Moved, "That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution,"—(*Sir Walter B. Barttelot*) 1690

After long debate, Question put, and *agreed to*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

NATIONAL SCHOOL TEACHERS (IRELAND)—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, some means should, without further delay, be found to provide Irish National School Teachers with such remuneration for their services as will secure to them more certain incomes, and less dependent on contingencies than at present, and more commensurate with the services which they perform,"—(*Mr. Meldon*),—instead thereof 1728

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put:—The House *divided*; Ayes 110, Noes 73; Majority 37.—(Div. List, No. 246.)

Main Question proposed, "That Mr. Speaker do now leave the Chair :"—

POST OFFICE—POSTAL MESSENGERS AND LETTER CARRIERS—Observations, Mr. H. B. Samuelson; Reply, Lord John Manners:—Short debate thereon 1733

Original Motion, by leave, *withdrawn*:—Committee *deferred till Wednesday*.

NAVY—H.M.S. "INFLEXIBLE" AND "CAPTAIN"—MOTION FOR A PAPER—

Moved, "That there be laid before this House, a Return to be added to the Return, Navy (H.M.S. 'Inflexible'), No. 295, 1877, the curve of stability, with the Report, dated 23rd August 1870, of H.M.S. 'Captain,' with the curves e, f, and g of H.M.S. 'Inflexible' set out thereon to the same scales; also the Letter of the late

TABLE OF CONTENTS.

[July 23.]	<i>Page</i>
NAVY—H.M.S. "INFLEXIBLE" AND "CAPTAIN"—MOTION FOR A PAPER—continued.	
Chief Constructor, dated 23rd August, published in the 'Times,' 24th August 1870, and the submission of the late Controller, dated 24th August 1870, respecting the stability of H.M.S. 'Captain,'—(<i>Captain Pim</i>)	1735
After short debate, Question put:—The House <i>divided</i> ; Ayes 17, Noes 25; Majority 8.—(Div. List, No. 247.)	
Sale of Food and Drugs Act (1875) Amendment Bill — Ordered (<i>Mr. Isaac, Mr. Ashbury, Mr. Herschell</i>)	1736
Parliamentary and Municipal Registration Bill [Bill 59]—	
Nomination of Select Committee	1735
<i>Moved</i> , "That the Select Committee do consist of Twenty-one Members,"—(<i>Mr. Marten.</i>)	
<i>Moved</i> , "That The O'Donoghue be one other Member of the Committee: "—After short debate, Question put:—The House <i>divided</i> :—Ayes 34, Noes none.—(Div. List, No. 248.)	
LORDS, TUESDAY, JULY 24.	
Married Women's Property (Scotland) Bill (No. 154)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Earl of Rosebery</i>) ..	1736
Motion agreed to:—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	
ARMY (PROMOTION)—PAPER PRESENTED—Notice, Earl Cadogan ..	1737
COMMONS, TUESDAY, JULY 24.	
THE COST OF PRINTED RETURNS—Question, Mr. Hermon; Answer, Mr. Speaker	1738
METROPOLITAN POLICE—GRATUITIES FOR SPECIAL SERVICE—Questions, Mr. Wait; Answer, Mr. Assheton Cross	1738
CHRIST'S HOSPITAL INQUIRY—HERTFORD SCHOOL—Question, Mr. Fawcett; Answer, Mr. Assheton Cross	1738
GIBRALTAR—TRADE AND CUSTOMS ORDINANCE—Question, Mr. Knatchbull-Hugessen; Answer, Mr. J. Lowther	1739
ROADS AND BRIDGES (SCOTLAND) BILL—Question, Mr. E. Jenkins; Answer, Sir Windham Anstruther	1740
ENGLAND AND RUSSIA—THE MEDITERRANEAN GARRISONS—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer	1741
FRANCE—THE TREATY OF COMMERCE—THE NEGOTIATIONS—Question, Mr. Sampson Lloyd; Answer, Mr. Bourke	1741
POST OFFICE—MAIL PACKET CONTRACTS—Question, Mr. Rathbone; Answer, Lord John Manners	1742
PARLIAMENT — METROPOLITAN COMMONS BILL — LORDS' AMENDMENTS — Question, Sir Charles W. Dilke; Answer, Mr. Speaker	1742
PARLIAMENT—BUSINESS OF THE HOUSE—Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer	1743
RUSSIA AND BULGARIA—THE CZAR'S PROCLAMATION—Question, Mr. E. Jenkins; Answer, Mr. Bourke	1743
South Africa Bill [<i>Lords</i>] [Bill 195]—	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—(<i>Mr. J. Lowther</i>)	1743
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "no measure establishing a self-governing Federation for South Africa will be satisfactory, unless direct provision is made for a settlement of the relations of the white and black races,"—(<i>Sir George Campbell.</i>)—instead thereof.	

TABLE OF CONTENTS.

[July 24.]

Page

South Africa Bill—continued.

After long debate, Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided*; Ayes 221, Noes 22; Majority 199.—(Div. List, No. 249.)

Main Question put:—The House *divided*; Ayes 229, Noes 5; Majority 224.—(Div. List, No. 250.)

Bill *considered* in Committee; Committee report Progress; to sit again *To-morrow*.

County Officers and Courts (Ireland) (*re-committed*) Bill —
 Bill *considered* in Committee [*Progress 23rd July*] 1792
 After short time spent therein, Committee report Progress; to sit again *To-morrow*.

THE CONFESSIONAL—RESOLUTION—

Moved, "That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion,"—(*Mr. Whalley*.)

Whereupon *Previous Question* proposed, "That that Question be now put,"—(*Mr. Chancellor of the Exchequer*.)

[House counted out.]

COMMONS, WEDNESDAY, JULY 25.

Permissive Prohibitory Liquor Bill [Bill 42]—
 Order for Second Reading read, and discharged:—Bill *withdrawn* .. 1795

RUSSIA AND ENGLAND—Question, Observations, Mr. Whalley; Reply, The Chancellor of the Exchequer 1796

South Africa Bill [*Lords*] [Bill 195]—

Bill *considered* in Committee 1797

On Motion that the Preamble be postponed—Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. O'Donnell*.)

Debate arising—and Mr. Parnell, Member for Meath, having in the course of Debate expressed, regarding further Progress of the Bill in Committee, "his satisfaction in preventing and thwarting the intentions of the Government in this respect," the Clerk was directed to take down those words, and the same were taken down accordingly:—

Motion made, and Question, "That the Chairman do report the same to the House," put, and *agreed to*.

Mr. Speaker resumed the Chair, and Mr. Raikes having *reported* accordingly, Mr. Speaker stated that, in accordance with the practice of the House, he would call upon Mr. Parnell to make an explanation regarding the words which had been taken down:—

Whereupon Mr. Parnell addressed the House:—

In the course of his explanation, notice being taken that Mr. Parnell had used the following words, "that he had been subjected to menaces on the part of Members of this House," those words were directed to be taken down by the Clerk; and the same were taken down accordingly.

And, after further explanation made by Mr. Parnell, wherein he denied having made use of those words, Mr. Speaker directed him to withdraw.

Whereupon Mr. Speaker stated that any Member wilfully and persistently obstructing Public Business, without just and reasonable cause, is guilty of a contempt of this House; and would be liable to such punishment, whether by censure, by suspension from the service of the House, or by commitment, as the House may adjudge.

Motion made, and Question proposed, "That Mr. Parnell, having wilfully and persistently obstructed public business, is guilty of a contempt of this House,"—(*Mr. Chancellor of the Exchequer*:)—Debate arising:—
 Debate *adjourned till Friday*.

TABLE OF CONTENTS.

[July 25.]

Page

South Africa Bill—continued.

South Africa Bill (*Lords*) again *considered* in Committee.

Moved, "That the Preamble be postponed:"—Motion *agreed to*:—Preamble *postponed*.

After short time spent therein, it being a quarter to Six of the clock, Debate adjourned till *Friday*.

LORDS, THURSDAY, JULY 26.

PRIVATE BILLS—DOVER AND DEAL RAILWAY BILL—Observations, Earl Granville; Reply, The Earl of Redesdale ..	1844
PRISONS BILL—LUNATIC ASYLUMS—Question, The Earl of Sandwich; Answer, The Duke of Richmond and Gordon:—Observations, Earl Cowper ..	1845
PUBLIC WORSHIP REGULATION ACT—Petition <i>presented</i> (<i>Earl Nelson</i>) ..	1846
After short debate, Petition ordered to lie on the Table.	
YEOMANRY UNIFORMS—Question, The Duke of St. Albans; Reply, Earl Cadogan ..	1851

COMMONS, THURSDAY, JULY 26.

PARTY PROCESSIONS (IRELAND)—ORANGE PROCESSION AT LURGAN—Question, Mr. Verner; Answer, Sir Michael Hicks-Beach ..	1852
CHARITY COMMISSIONERS—BETTON'S CHARITY—Question, Mr. James; Answer, Viscount Sandon ..	1853
ARMY—DISCHARGED SOLDIERS—Question, Mr. J. Cowen; Answer, Mr. Gathorne Hardy ..	1853
ARMY—MEDALS—THE MALAY CAMPAIGN—Question, Mr. Serjeant Simon; Answer, Mr. Gathorne Hardy ..	1854
INLAND REVENUE—STAMP OFFICE AT MONAGHAN—Question, Mr. Fay; Answer, Mr. W. H. Smith ..	1854
METROPOLIS—INDIAN AND COLONIAL MUSEUM—THE FIFE HOUSE SITE—Question, Mr. Grant Duff; Answer, The Chancellor of the Exchequer ..	1855
PRISONS (SCOTLAND)—CATHOLIC PRISONERS AT PERTH—Question, Mr. M'Carthy Downing; Answer, Mr. Assheton Cross ..	1855
FISHERIES (IRELAND)—CHUCKPOINT PIER—Question, Mr. R. Power; Answer, Sir Michael Hicks-Beach ..	1856
METROPOLIS BUILDINGS ACTS—HEIGHT OF BUILDINGS—Question, Mr. P. A. Taylor; Answer, Sir James M'Garel-Hogg ..	1856
EAST INDIA IRRIGATION COMPANY—Question, Mr. Smollett; Answer, Lord George Hamilton ..	1857
GIBRALTAR—THE TRADE AND CUSTOMS ORDINANCE—Question, Mr. Knatchbull-Hugessen; Answer, The Chancellor of the Exchequer ..	1858
NAVY—H.M.S. "INFLEXIBLE"—THE COMMITTEE OF INQUIRY—Question, Captain Pim; Answer, Mr. A. F. Egerton ..	1858
STREET TRAFFIC (METROPOLIS)—Question, Mr. Gregory; Answer, Mr. Assheton Cross ..	1858
INDIA—AFFAIRS OF KHELAT—Question, Mr. Grant Duff; Answer, Lord George Hamilton ..	1859
ARMY—TROOPS FOR FOREIGN SERVICE—Questions, Colonel Naghten, Mr. H. B. Samuelson; Answers, Mr. Gathorne Hardy ..	1859
MERCHANT SHIPPING ACTS—THE "CAIRO"—Question, Mr. Meldon; Answer, Sir Charles Adderley ..	1860
ARMY PROMOTION AND RETIREMENT—INCREASE OF CHARGES—Question, Mr. Trevelyan; Answer, Mr. Gathorne Hardy ..	1861
ELEMENTARY SCHOOLS—CASE OF JOHN JERMY—Question, Mr. Colman; Answer, Mr. Salater-Booth ..	1862

TABLE OF CONTENTS.

[July 26.]	Page
PARLIAMENT—OBSTRUCTION OF PUBLIC BUSINESS—Questions, The Marquess of Hartington; Answers, The Chancellor of the Exchequer ..	1862
<i>Moved</i> , "That the Order for the adjourned debate on the proceedings of Mr. Parnell be read and discharged,"—(<i>Mr. Chancellor of the Exchequer</i> :)	
—Motion <i>agreed to</i> :—Order read, and <i>discharged</i> .	
University Education (Ireland) Bill [Bill 55]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Butt</i>) ..	1863
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. David Plunket</i> .)	
Question proposed, "That the word 'now' stand part of the Question :"	
—After long debate, Question put :—The House <i>divided</i> ; Ayes 55, Noes 200; Majority 145.—(Div. List, No. 253.)	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Second Reading <i>put off</i> for three months.	

TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

LORDS.

SAT FIRST.

MONDAY, JULY 2.

The Lord Munster, after the death of his Father.

FRIDAY, JULY 6.

The Lord Byron, after the death of his Grandfather.

TUESDAY, JULY 24.

The Lord Erskine, after the death of his Brother.

COMMONS.

NEW MEMBERS SWORN.

TUESDAY, JUNE 26.

Dungarvan—Frank Hugh O'Donnell, esquire.

THURSDAY, JULY 5.

County of Huntingdon—Viscount Mandeville.

NEW WRITS ISSUED.

THURSDAY, JULY 26.

For Great Grimsby, *v.* John Chapman, esquire, deceased.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*FOURTH SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 8 FEBRUARY, 1877, IN THE FORTIETH YEAR OF THE
REIGN OF*

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, 19th June, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading—*
Universities of Oxford and Cambridge * (114).
Second Reading—Norfolk and Suffolk Fisheries *
(104); Fisheries (Oysters, Crabs, and Lob-
sters) * (108).
Committee — Report — Quarter Sessions (Bo-
roughs) * (99).
Report—Tramways Orders Confirmation (Barton,
&c.) * (61).
Third Reading—Bar Education and Discipline *
(69); Pier and Harbour Orders Confirmation
(No. 3) * (100), and *passed*.

SEE OF SODOR AND MAN.

ADDRESS FOR A RETURN.

THE EARL OF POWIS moved an
Address for a Return of the various
sources from which the income of the
see of Sodor and Man was derived, and

its amount; and asked, What course
Her Majesty's Government were taking
with reference to legislation on the sub-
ject by the Island Legislature, and if
they would present any Papers on the
subject? According to the Returns of
the Ecclesiastical Revenues Commission,
1835, the income of the See to which
his Motion referred to amounted to
£2,000 a-year. That income, he be-
lieved, was made up partly of tithes
and partly from lands which had been
alienated from various parishes in the
island; but the amount of the sums
derived from these sources were not
enumerated in the Return, and he
thought additional and more detailed
information was required. The aliena-
tion of tithes in the middle ages had
been a fertile source of abuse; and if
these tithes were not required for the
endowment of the See, they should be
restored to the parishes in which they
arose.

Moved, That an humble Address be presented to Her Majesty for, Return of the various sources from which the income of the See of Sodor and Man is derived, and its amount.—*(The Earl of Powis.)*

EARL BEAUCHAMP said, he was sorry he could not answer the Question which the noble Earl had put, as to the course which the Government intended to take in reference to legislation on the subject by the Island Legislature. The matter was under the consideration of the Secretary of State; but he was not prepared to indicate the decision at which the right hon. Gentleman was likely to arrive. As to the Return which had been asked for, he was quite willing that it should be furnished; and, in addition to that, he would be quite prepared to lay upon the Table, if it were moved for, a letter on the subject which had been received from the Lieutenant Governor of the Island.

Motion agreed to.

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 19th June, 1877.

MINUTES.]—SUPPLY—*considered in Committee*—NAVY ESTIMATES—*Resolutions* [June 18] *reported*.

PUBLIC BILLS—*First Reading*—Royal Irish Constabulary * [203].

Committee—Supreme Court of Judicature (Ireland) (*re-comm.*) [184]—H.P.

Committee—*Report*—Marriages Legalisation, Saint Peter's, Almondsbury * [197].

Third Reading—Prisons [121], and *passed*.

Withdrawn—Union Rating (Ireland) * [33].

The House met at Two of the clock.

BURIALS BILL.—RESOLUTION.

MR. OSBORNE MORGAN gave Notice, that on Tuesday, the 17th July, in the event of the Burial Acts Consolidation Bill being withdrawn before that time, he should move the following Resolution:—

"That, in the opinion of this House, the time has arrived when the long-pending controversy as to interments in parish churchyards ought to be closed, by permitting such interments to take place without the burial service of the Church of England, and with such other Christian and orderly religious services as the friends or relatives of the deceased may think fit."

QUESTION.

RUSSIA AND TURKEY—THE WAR—THE SUEZ CANAL.—QUESTION.

MR. DILLWYN asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in the "Daily News" in a telegram dated June 16th, that the Porte has refused the request of Mr. Layard to permit the "neutralization" of the Suez Canal?

MR. BOURKE: In reply to the Question of the hon. Member, I have to state it is not true, as stated in *The Daily News*, that the Porte has refused, at the request of Mr. Layard, to permit the neutralization of the Suez Canal, and for this reason—that no request of that kind was made by Mr. Layard, and therefore no refusal to his request could have been given. The only intimation which Mr. Layard has been instructed to make upon the subject is contained in the Papers which are now before Parliament, and no answer has yet been given by the Porte to the communication that Mr. Layard was desired to make.

ORDERS OF THE DAY.

PRISONS BILL.—[BILL 121.]

(*Mr. Assheton Cross, Sir Henry Selwin-Ibbotson.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Assheton Cross.*)

MR. RYLANDS moved that the Bill be read a third time that day three months. He said he should not, under ordinary circumstances, have taken this course; but he thought there were several weighty reasons of expediency which would justify him in asking the House, even at the last moment, to reject

the Bill. In the first place, it proposed a scheme that next year would necessarily entail a large addition to the expenditure of the country; and, looking at the depressed condition of trade, and knowing that the revenue would inevitably undergo a consequent decline, while he saw no indication of any strong desire on the part of the Government to keep down expenditure, he felt bound to contemplate the probability of increase of taxation being voted to meet the increased charges. He thought it most objectionable for the Government to ask the House to increase the public burdens next year without, at the same time, putting before them an estimate of the Ways and Means by which that increase was to be met. Another ground on which he thought it inexpedient to pass this Bill at the present moment was, that there was a probability of a measure being passed before very long which would so change the character of our summary jurisdiction system as to lead to a great reduction in the number of prisoners committed by the justices of the peace. Notwithstanding this, the Prisons Bill proceeded entirely on the lines of the present demand for prison accommodation. Again, there was the prospect that, in a short time, the public scandal which now attended the detention of prisoners awaiting their trial would be abated; and to the extent to which the number of persons so detained was diminished, there would be a diminution in the number of prisoners in English gaols at any given time. He thought also the House should hesitate before it handed over to the Government every prison in the country — at all events, until it was assured that the prisons at present in the hands of the Government were well managed. There was a great question, indeed, whether the management of the convict prisons was such as to justify their handing over to the Government every gaol in the country. The Government had promised an inquiry into the subject of prison discipline, and it was impossible to say at present what the outcome of that inquiry would be. He wished to take the opportunity of stating that the course which the Government had adopted of referring great questions of administration to Departmental Committees was a most objectionable course, for persons placed on such Committees were not the

parties who had an interest in promoting administrative reform; but the fact that great doubts existed as to the management of convict establishments was a matter which ought to make Parliament hesitate before proceeding further in that direction. There was an important association called the Howard Society containing a number of hon. Gentlemen sitting on the other side of the House, distinguished for the ability, benevolence, and earnestness they displayed in the direction of improving our prison discipline, and they had come to the conclusion that the Government prisons were not conducted in such a manner as to promote the moral elevation of offenders. And he knew that the members of that association were beginning to doubt whether it would be a wise thing to pass this Bill. He was not one of those who would turn our prisons into drawing rooms, but he did hold that punishment awarded to prisoners should be administered with a view to raise rather than to degrade the character of the offender, and he believed that the Government had altogether failed in achieving this great object by their convict system. He, therefore, thought it would be a great misfortune if, by the passage of such a Bill, Parliament should take from the local jurisdiction of the magistrates all those prisons which at present might be made the vehicles of elevating the character of those who were confined therein, and hand them over to the cast-iron system applied by the Government to the gaols under their control. But there was another important consideration. The Home Secretary had promised to deal with the treatment of unconvicted prisoners; and everyone admitted that the treatment to which they had long been subjected was a scandal which ought to be removed; and he submitted that the House of Commons ought to have the absolute control over any rules which might be provided by the Home Secretary for that purpose, and that a Schedule of the proposed rules should have been prepared for the consideration of the House. The conclusion to which he had come on the question of expediency was this—that the Bill ought to stand over till next Session, even if any intention existed of proceeding with it. The long discussions which had taken place had not removed a single objection against the

Bill, and many of the arguments which had been adduced in favour of the Bill had been proved to be, to a great extent, delusions. He believed that an increasing dislike had been gradually growing up against the Bill amongst hon. Gentlemen opposite, and that if it should be rejected very little disappointment would be felt anywhere except amongst the officials in the Home Office. For his own part, he was not one who did not appreciate the advantage of having a House of Lords; and as this Bill fulfilled all the conditions requiring the exercise of their veto—inasmuch as it was a partial, crude, ill-digested, precipitate, and by no means a pressing measure—he hoped the Upper House would exercise its constitutional function and throw it out. Not one of the objections originally raised to the Bill had been removed in the course of the discussion. The vicious principle of centralization remained. The right hon. Gentleman had tried to salve over the wounded dignity of the local magistrates; but the effect of the Bill would practically be to disestablish the visiting justices. If these gentlemen attempted to assert themselves, they would be met by some Government official full of superciliousness and red tape, who would take care to let them know that he, in his official capacity, represented the concentrated wisdom and intelligence of the nation. The result would be that high-minded men would not accept the position of visiting justices. They would not submit to the indignity of playing second fiddle to a gentleman from the Home Office; and if the office of visiting justice continued to exist at all, it would be filled by men of an inferior stamp. It had been said that the magistrates were in no sense representatives of the ratepayers, and this was true to a certain extent; but it should not be forgotten that there was a strong tendency in favour of placing the management of county affairs in the hands of County Boards, on which the magistrates should have their due share of representation; and it should be borne in mind that if legislation proceeded upon the lines of the Prisons Bill there would soon be nothing left for County Boards to do, and the arguments in favour of their establishment would cease to exist. Another objection to the Bill was, that it proposed to add 2,500 to the already

large army of Government officials, who were always making demands upon the public purse, and whose influence in various ways upon Members of that House, and on the public through the Press, to which many of them had unlimited access, was already sufficiently strong, and had doubtless had its weight in the action taken by the country against the late Government, whose Leader was disliked by these servants of the Crown, in consequence of his expressed opposition to extravagance in the different Departments of the State. Besides that objection, the measure would tend to a great increase of the superannuation establishment. He also objected to the measure on the ground that the Government appointments would not be equal in character to the appointments made by the local authorities, and would probably be determined by political influence rather than by considerations of fitness and efficiency. The main arguments urged in favour of the measure had been proved to have been based upon insufficient grounds, and had been shown to be delusive. The Home Secretary himself must have been led to doubt the correctness of some of the reasons which he urged to justify the introduction of the measure. The great plea brought forward by the right hon. Gentleman in favour of the Bill was economy. How did the case stand in that respect? He had calculated that £50,000 a-year would be saved by the abolition of small prisons and by diminished cost under Government management. But in Committee the Home Secretary said there were "prisons and prisons," and he spoke of maintaining a certain number of small gaols for the detention of prisoners waiting for trial. The Home Secretary saw the injustice of sending unconvicted prisoners, perhaps 50 miles away, from their legal advisers and friends; but he urged that these gaols for detention of prisoners could be conducted at a very low expense, as there need be no arrangements for hard labour or other punitive discipline. Still, it would be impossible to keep up prisons of that kind without a certain number of officials and other expenses. But what about prisoners convicted, and sentenced to short terms of imprisonment with hard labour for 7, 14, or 21 days? Were they to be sent away, perhaps to a distance of 50 miles, when

Mr. Rylands

there was a prison maintained at their very doors? But even granting that the Home Secretary would be able to concentrate the prisoners throughout the country in 50 or 60 gaols, which was very doubtful, the idea that there would be any economy in Government management was entirely contrary to experience. The present cost per head per annum of prisoners in convict establishments was £35, and the average cost in local gaols, with all the disadvantages of many small prisons, was about the same sum. But let them contrast a large gaol under local management with the cost of Government prisons. Take Salford, for instance. In the year ending September 29, 1876, the cost was only £15 12s. 5d. per head, or absolutely £20 per head below the average cost of Government prisons. The average cost for officers' salaries alone in the convict establishments amounted to £16 7s. 6d. for each prisoner, or more than the total cost of Salford gaol for all purposes, and the superannuation charges for retired officers of convict prisons—a large item—was not included in that account. It would be urged that Salford was an exceptional case; but the average cost of all the Lancashire gaols was about £17 per head, and these instances, at all events, proved what local management could accomplish. Other counties might, under proper management, and with facilities for closing unnecessary gaols, effect great economies, and in various parts of the country there were movements in that direction. County Boards, elected by the ratepayers, would naturally be alive to considerations of economy, and, if established for the management of gaols and other county purposes, would give every prospect of a general improvement. But there could be no expectation of such improvement from Government control. They would level up instead of levelling down; and in place of reducing the cost of other gaols to the Lancashire standard of £16 or £18, the Government officials would probably raise the cost of Lancashire gaols to their own standard of £30 or £35 per prisoner. He warned the House that instead of the 18,000 prisoners now in local gaols costing £50,000 less per year, they would be more likely to cost the country £100,000 more—and there would also be a large and increasing additional expenditure upon prison

buildings, which would be charged to the National Exchequer. Another argument urged by the Home Secretary was his expectation that £50,000 a-year would be obtained by the more profitable employment of prison labour, and in support of his views he made use of a most fallacious illustration drawn from the experience of the convict establishments. Because in local gaols the average earnings of prisoners were much lower than in the case of the inmates of the convict prison at Pentonville, he argued that he could bring the earnings of prisoners throughout the country up to the Pentonville standard of £9 per annum. His exact words were—

“We have no reason to doubt that if all these prisoners were under the same discipline, and properly grouped together, the amount of money they earn would not be as large as is now earned in the best managed convict prisons, and we believe it would go on continuously increasing.”

But the manifest fallacy which lay at the root of this argument was that the right hon. Gentleman (Mr. Cross) overlooked the great difference between prisoners sentenced for long and for short terms. In convict prisons the whole of the prisoners were under long sentences, and their labour could be turned to account; but in local gaols the large majority of the inmates were confined for very short periods, and no amount of “grouping” or “classification” could get anything out of them. The Home Secretary had apparently overlooked in his calculation the material fact that out of the 18,000 prisoners in local gaols there were about five-sixths who were committed for short sentences, from seven days to two months—the largest proportions being for the shortest terms. The great argument for the Bill was, that it would relieve local taxation. The farmers, who were not distinguished for political knowledge, were induced throughout the country to support the Bill by that plea; but the Returns just laid on the Table on County Rates and Expenditure showed that all relief of local taxation by subventions was secured by the addition of a much larger burden on the Imperial taxation, so that there really was no saving. On the ground of local administration, of economy, and in the interests of the prisoner himself, this was an objectionable Bill; and if it were to be sent to the House of Lords he hoped it would

go with such a strong protest against it that that House would exercise its constitutional privilege, and reject the Bill.

MR. P. A. TAYLOR, in seconding the Amendment, again raised his voice against the punishment of flogging, which had been abolished by all other civilized nations, but which was now to take a new lease in this country. It was a brutal and a brutalizing punishment, and it was impossible to deter men from crime by treating them as brutes. All the delegates at the Prison Conference repudiated it. It distinctly tended to increase the brutality which it was intended to stamp out. It was not only persons abroad who took that view, but all our Governors of gaols also adopted it, notably Mr. Frederick Hill and Mr. Shepherd. The excuse given for the use of the lash was the phrase that "discipline must be preserved;" the same excuse that the Dey of Algiers gave for retaining the punishments of impaling and burning. He denounced flogging as a punishment for which reason, justice, and Christianity had nothing to say. It had been avoided in the convict ships. There had been a panic with regard to garotting, and in 1863 an Act allowed flogging for the offence; but the offence had ceased before the Act. Robberies with violence, however, which were also floggable under the Act, increased in number, and crimes not floggable decreased. In the 10 years previous to 1863 there were 3,261 floggable cases, and in the 10 years after 3,380. Although in those 10 years the total number of offences against property with violence—but short of violence which could be punished by the cat—had decreased 762. The attempt to stamp out violence by corporal punishment was a miserable piece of legislative quackery. People had as yet had no opportunity of expressing an opinion on the Bill, but at the next Election they would have the power. He implored the right hon. Gentleman to make a system for the communication of prisoners with the outside world. He had seen the prisoner whose letter he had read to the House the other evening, and had asked him why he did not communicate with the Governor or the visiting justices. The man said—"No visiting justice ever spoke to me, or asked me how I was treated." He concluded by thanking those Irish Members

who had exerted themselves to amend the Bill in that respect.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Rylands.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR WALTER B. BARTTELOT said, that, though few subjects came amiss to the hon. Gentleman the Member for Burnley (*Mr. Rylands*), he had, apparently, not studied military strategy. If he had done so, he would have been aware that defeated Generals usually changed their tactics; and it would be better for the hon. Member, now that his views had been completely stated, not to insist on a division. With regard to the punishment of flogging, though he would be as glad as the hon. Member for Leicester (*Mr. Taylor*) if it could be abolished, he could not agree with him as to the absence of evidence for its efficacy. About 15 years ago there was a Frenchman in Petworth Gaol, who having deserted his regiment in France escaped to England, and was under sentence for a serious burglary. Although he was well treated and cared for, he commenced a series of the worst kind of conduct, and after doing everything he could to upset the discipline of the gaol he attempted to murder one of the warders. He was not flogged, but put into a dark cell, after which he again a second time attempted to take a warder's life. That man was brought before him and another magistrate, and they sentenced him to 25 lashes. He sprang at them and endeavoured to push them down, but was then told that when he recovered from his first punishment he should have 25 lashes more. The man was flogged; he might have been heard crying out at a considerable distance, for he was a coward; he need not say he was not flogged a second time, but he behaved afterwards as well as any man in Petworth Gaol; he learnt a trade and went out, to all appearances, a reformed man. Now, he would appeal to the hon. Member for Leicester, and ask him what he would do with a man who deliberately attempted every time he could to murder the warder in charge of him. Then with respect to the visiting justices. There must have been some misappre-

Mr. Rylands

hension with respect to Holloway Gaol. At all events, if what had been alleged were true of it, it must be an exception. Speaking for himself, he declared that he always went alone into the cells of the prisoners when he was visiting. He heard any alleged complaints that might be made patiently, and if he thought there were any real grounds for them he did his best to provide a remedy. He protested against making use of an exceptional case to attempt to establish a wholesale charge against the justices. He frankly confessed that he objected to the Bill because it was based upon the principle of centralization; because it would confiscate county property; and because it would take existing power out of the hands of the county magistrates. Of course, if his right hon. Friend was to have the responsibility, he must have the authority now possessed by the magistrates; but he strongly objected to the responsibility being placed in his right hon. Friend's hands. His right hon. Friend had been tempted by the right hon. Member for Pontefract (Mr. Childers) to place our county gaols under the same organization as the convict prisons. He hoped it would never enter into his right hon. Friend's thoughts to do any such thing, because he believed the system in the county gaols was at present better than that in the convict prisons. He again appealed to the hon. Gentleman the Member for Burnley not to divide the House.

MR. HIBBERT, though agreeing with the hon. Member for Burnley (Mr. Rylands) in his objection to the Bill, must join in the appeal that had been made to him by his hon. and gallant Friend opposite (Sir Walter Barttelot) not to go to a division. He could not oppose the Bill on the ground taken by the hon. Member for Leicester (Mr. Taylor). There were strong reasons why the punishment of flogging should be retained. As a visiting justice, he had to inflict that punishment on a man who had been placed in solitary confinement, put upon short diet, and punished in every other possible way for refusing to work. When brought before him, the man told him he had been in prison almost since he was a child—he had never worked, and never would work. The man got two dozen lashes, and did not take the punishment at all amiss, and the result was, that he took an interest in

the man, and afterwards enabled him to go out to Canada. They must all give great credit to his right hon. Friend who had charge of the Bill for the patience and ability with which he had conducted it through the House. He was opposed to it, because he thought it very doubtful whether the change was a desirable one, and whether the prisons would be more economically managed by the State than they were by the counties. But he opposed it chiefly on the ground that it was unwise that these additional duties should be imposed on the Secretary of State and his Department. His right hon. Friend brought forward the Bill in the interests of uniformity of management, discipline, and punishment; and also, in the interest of economy. But while the cost in the convict prisons was £35 per head per annum, the cost in the county and borough prisons was only £28; and there was no ground for believing that the prisons, when transferred, would drop to that. At Pentonville the cost was £23, after deducting the value of their work. When the State paid the whole of the expense there would not be the same motive for economy as existed at present. He represented the almost unanimous opinion—in the proportion of 98 to 2—of the Lancashire magistrates, who were opposed to the Bill. With regard to uniformity of management, discipline, and punishment, that great good might be got by this Bill he was willing to admit; but there was no reason why they should disestablish all the county and borough prisons in the country merely because there existed a number of small and worthless prisons which did not deserve to be maintained. The Home Secretary ought rather to have taken powers to close those small prisons, and also to advise the counties in regard to erecting and establishing prisons under a proper system. By that means he might have kept the local management of the justices and also secured the interests of economy. In the county and borough prisons the justices had introduced various trades and obtained a large amount of prison earnings, while maintaining the prisoners at the lowest cost—matters in respect to which those gaols contrasted very favourably with the convict prisons managed by the State. Again, he objected to the proposed transfer, because it would impose a large amount of addi-

tional trouble on an already overworked Department. If the Bill passed, in England there would be 305 chief officers and 1,519 subordinate officers to be appointed, leaving out of the question the small prisons—some 50 or 60 in number; and in Scotland 77 chief and 176 subordinate officers—at least 2,000 additional officers. In the course of a few years the number of those appointments would, in all probability, considerably increase. He did not believe the Bill would effect a saving. On the contrary, he thought it would result in additional expense to the country. There was in Gloucestershire only one prison, and the magistrates would really be punished for reducing crime in their county. Mr. Baker had written a letter to say that he would rather see an empty gaol than a well-regulated one. Again, he thought that the expected total saving of £100,000 through the closing of small prisons and from prison labour could hardly be depended on; and he urged that the successful efforts which had been made by justices to reduce crime were ignored by the proposal to transfer the management of the county and borough prisons to the State. Dr. Wise, the leader of the prison reformation movement in America, had borne strong testimony in favour of the existing system in this country; but he (Mr. Hibbert) hardly thought Dr. Wise would speak so strongly with respect to our convict prisons, and would be surprised to hear that it was now proposed to transfer the borough and county gaols to the State. In conclusion, he warned the Government that it was embarking in a doubtful and hazardous experiment in taking away those prisons from the management of the local authorities. The reports of the visitors of convict prisons led him to believe that the duties of the visiting justices would not be very pleasant.

MR. NEWDEGATE said: Mr. Speaker, I was prevented, towards the close of the Consideration of this Bill on the Report, from being present in the House when the Amendment of which I had given Notice was, through the kindness of the hon. and learned Member for Dewsbury (Mr. Serjeant Simon), submitted to the House. That Amendment did not meet the question completely. The terms of it ought to have required the Home Secretary not

only to submit for the approval of this House the Rules and Regulation for prison discipline—which he will under this Bill be entitled to frame—but it ought also to have comprehended the “Orders” which this Bill entitles him to make. The difference between the Orders and the Rules, according to the Bill, is technically this—the Bill enables the right hon. Gentleman at once to take possession of every county and borough gaol in England and Wales; to displace the county magistrates from the possession of the county gaols, and the Councils and borough authorities from the possession of the borough gaols; and, by Order, he will be able to discontinue any gaol he may choose, and, as the Bill stands, without giving any information to either House of Parliament with respect to his proceedings in this very important matter; and he will be able also to change the appropriation of those gaols, and to say which shall be relegated to long, and which to short, sentences. Hitherto, according to the Common Law of this country, every criminal, except those under sentence of transportation or penal servitude, which is its equivalent—in fact, a sentence of outlawry—has been, of right, confined within the jurisdiction where he committed his offence. That great principle of the Common Law is to be swept away by this Bill, and the right hon. Gentleman, by way of effecting, as he has said, economy, and by way also of perfecting, as he alleges, the system of prison discipline, proposes to place the county and borough gaols, as to their ownership, and in other respects, upon the system of the Government convict prisons. He would thus obtain power to designate which of the prisons shall be appropriated for long, and which for short sentences; the power also to remove every prisoner from the site of his conviction, and therefore from the proximity of those who might assist the prisoner in his defence before trial, and to prevent those who are best qualified to judge of the application of his punishment, after he has been convicted, from easily reaching him. Let the House make no mistake; it is by this Bill proposed to import into England the system of prison discipline against which, before the abolition of transportation, the Colonies rebelled. Colony after Colony declared the system of constant Government interference entailed

Mr. Hibbert

by the existence of this system of prison discipline incompatible with free institutions, and that it interrupted their development. And this is the system which a Conservative Government—*[Laughter]*—yes, the Conservative Party—proposes to import into England and Wales. I know something of the origin of this Bill. The right hon. Gentleman seemed to me, when he introduced the Bill, to take a very shallow view of the whole subject. I did not at that time remember, but I have since then recollected, that although the right hon. Gentleman was a Member of this House from March, 1857, to March, 1862, he was not again a Member of this House till December, 1868. The right hon. Gentleman was therefore absent from this House when the debates took place upon the Bill introduced in 1862 by Mr. Pope Hennessy, entitled the Roman Catholic Prisoners Bill, and it is the principle of that Bill which you are now enacting. The right hon. Gentleman was not present in this House or a Member of it when that Bill was discussed; nor in 1863, when the Prison Ministers Act passed, the right hon. Gentleman was not a Member; nor was he present here as a Member when the Act of 1865—the Prisons Act—was passed. And this diminishes my surprise at hearing the right hon. Gentleman constantly referring to the Act of 1865, as if this Bill was carrying out its principles. Now, the truth is this—this Bill is to reverse the principle of the Act of 1865. The right hon. Gentleman has skilfully made great use in Committee, and before, of his retention of certain details of the Act of 1865, as though he intended to preserve the principle of that Act; he has been careful not to inform the House that he was about to reverse the principle. I will show the House how completely he proposes to reverse these principles. My hon. Friends on this side of the House are adopting a measure which they may please to call Conservative, but which I cannot otherwise consider than as re-actionary, and not Conservative. There has been a disposition among hon. Members here to be careless as to the scope and object of this Bill; they seem to consider it merely as a Party measure; they knew that it was introduced by a Home Secretary of a Conservative Administration, and they concluded it must be a Conservative

Bill. But I must be forgiven for endeavouring to show them that their notions of Conservatism must have been very much changed within the last few years, if they can consider this a Conservative measure. It is re-actionary, and re-actionary in the worst sense. It proposes to reverse the system established in the reign of Queen Elizabeth, by which the gaols were committed to the care and management of the visiting justices; while the right hon. Gentleman goes still further back historically in his re-action by abolishing the responsibility of the sheriffs for the custody of the prisoners generally, and in both cases he proposes to substitute the authority of himself, a political officer, for the authority hitherto exercised by judicial officers. In these respects, I would impress upon my hon. Friends that this measure is not conservative of the Common Law or of the Constitution of this country. Hon. Members have been beguiled as to the character of this Bill by the fact that the hon. Member who has proposed the rejection of this Bill is supposed to be a Radical, and that Members of the Radical Party oppose this Bill. I rejoice that the ultra-Liberal and the Radical Party are learning to act in a Conservative sense, when the so-called Conservative Party becomes, as in this case, re-actionary in its proposals. I can assure hon. Members opposite that they will gain credit in this country, and a just credit, for persevering in this course. They must see, from the feeble and spasmodic attempts that are made in France and elsewhere to imitate our Parliamentary system, while lacking the other securities for freedom which this country has hitherto possessed, how much this country has to lose in the traditional safeguards for its freedom, of which the greatest is its Common Law. What has been the course pursued by the right hon. Gentleman the Home Secretary? He has, while the Bill has been in this House, been compelled to admit that the legislative powers, which he demands for himself by this Bill, are so enormous that he cannot expect this House to consent to grant them, unless he places upon the Table of the House some account of his exercise of these Legislative functions; but he has avoided including in the documents he has undertaken to lay upon the Table of this House for 40 days the

"Orders," which are to be his most important instruments. He has consented to lay upon the Table of this House for 40 days the Rules and Regulations which relate to matters of minor importance referring to the internal administration of the gaols; but even then, when asked to propose these Rules and Regulations to the House, as a Member of the Government having the enormous command over the time of this House which the House has unwisely conceded to the Government, he has refused; and, as the Bill stands, it will be the merest chance if any unofficial Member can acquire through the Ballot the opportunity of calling the attention of the House to these Rules and Regulations. I am, Sir, opposed to this Bill. So is my hon. and gallant Friend the Member for West Sussex (Sir Walter Barttelot). He has expressed a hope that we who agree with him in opposition to this Bill will not divide against this Bill; though, as my hon. and gallant Friend added—"I am as much opposed to it as you are." I am perfectly aware that last Session many hon. Members on this side of the House who voted in favour of the second reading of this Bill now regret that they did so. But I also know how pachydermatous is Party organization. Then I may be asked—why speak, if you will not divide? I answer, that it is due to the Home Secretary that he should be made to feel beforehand the weight of the responsibility he is about to take on his shoulders. It is due to every Member on this side of the House that he should understand the position in which he is placing himself by repudiating for his brother magistrates and himself the performance of duties which have hitherto been held by his neighbours, I will not use the expression to "justify," but I will say to commend the retention of his property and position. And now I will, by permission of the House, shortly point out the great changes which this Bill is about to effect. Under the Act of 1865 it was the duty of the magistrates, as visiting justices, to provide and maintain prisons within their several counties, cities, boroughs, or other prison jurisdictions; and for this purpose to purchase land, direct repairs, additions, or alterations, and to enter into all necessary contracts for provisions and other requisites. To confer these powers upon, and to require

the performance of these duties from the justices, was the first principle of the Act of 1865. These functions of the county and borough justices are abolished by this Bill in favour of the Home Secretary. The second principle of the Act of 1865 was that it should be the duty of the justices to appoint, dismiss, remove, or superannuate the governors, chaplains, surgeons, gaolers, prison instructors, and other officers; to grant leave of absence, and to appoint substitutes in the case of death, sudden illness, or other cause. The whole of that second principle of local self-government which is retained by the Act of 1865 will be swept away by this Bill. The third principle of the Act of 1865 is that it is incumbent upon the justices to make rules for the discipline of the prisons; for regulation of hard labour and of employment; for the dietary, bedding, and washing, and for granting special allowances to prisoners; for the classification of, or for the immediate removal of prisoners to other prisons on the occurrence of the breaking out of contagious or infectious diseases; to make rules for the reception of and for allowances to unconvicted prisoners; also for allowances for any discharged prisoner to Prisoners' Aid Societies, and for providing them with means to return to their respective places of settlement. That is the third principle which is to be abolished by this Bill. The fourth principle of the Act of 1865 rendered it incumbent on the justices to visit and inspect the prisons; to hear complaints; to examine into the conduct of the officers, or into the treatment and conduct of the prisoners; to regulate the means of setting them to work; to inquire into the amount of, and to regulate the disposal of the earnings of prisoners for their benefit; to control the expenditure incurred; to inquire into abuses; and to make rules for the alteration and regulation of all such matters. That is the fourth principle of local self-government which is abolished by this Bill, and when I say abolished, I mean abolished so far the depositary as these duties, for all these duties imposed on the visiting justices are by the Bill transferred to the Home Secretary and his new Commissioners. Hitherto the law has been that the justices should regulate the religious and secular instruction; the hours for religious services; the ad-

Mr. Newdegate

mission of ministers of various denominations; should guard against the introduction of improper persons; should regulate the visits of relations or other persons to prisoners before or after conviction; and make rules as to the use of books, printed papers, or written communications which might be required from time to time. That is the fifth principle of the Act which will be abolished by this Bill—I mean abolished so far as the depositary of the functions is to be changed, that they are to be taken from the visiting justices. The sixth principle set aside is that the reports of deaths and the records of the prison are no longer to be kept by the justices, but to be preserved by the new authority of the Secretary of State and his Commissioners. What, Sir, is to remain to the justices? Certain justices are to visit the prison and to hear complaints. We have no clear notion who these visiting justices will be. They are not to be elected by the quarter sessions as their committee or delegation; they are merely to be recommended by the Court of Quarter Sessions to the Secretary of State, who will nominate such as he may approve; there may be an election, but it is the nomination by the Home Secretary which is to be effective, and these justices, when nominated, are to visit the gaols only as the Home Secretary may direct, and then report, not to quarter sessions, but to him; otherwise their visits will be totally unauthoritative. It is true that there has been inserted in the Bill a general vague permission for other justices to visit the prisons; but when they make these visits they will have no authority except such as shall be committed to them by the Secretary of State, unless it be to order punishment at the instance of the master of the prison, who is to be an officer appointed by the right hon. Gentleman, not appointed by the justices themselves. I think I have gone sufficiently through this Bill to show that it in no sense tends to a continuation of the principle of local self-government, with which the whole Act of 1865 is pregnant. Some of the details of that Act are preserved, but not one jot of its main principle. This is a great change, and I think anything but Conservative, although it is a re-actionary change, towards that system of centralized authority which exists in foreign countries. I know some

hon. Members are so worried by the protracted proceedings of this House that they are ready to make over almost any amount of power and authority to the Executive merely to relieve themselves from attendance in this House, but, as country Gentlemen, they may find this self-indulgence costly. The Home Secretary has no right to complain of the extent to which this Bill has been discussed. If he, a Conservative official, introduces a re-actionary, and not a Conservative measure, it is the duty of this House to make him feel the responsibility he incurs. I am convinced that it is the growing dislike among the Members of the House to this measure that has induced the House so long to delay its passage. That delay has, in my opinion, been perfectly justifiable, for it is a good ground of opposition to any measure that the country remains in ignorance of its character. My own belief is that anticipations of economy, which have induced the hon. Member for South Norfolk (Mr. Clare Read), the hon. Member for South Leicestershire (Mr. Pell), and the small knot who direct the action of the Central Chamber of Agriculture to promote this Bill, rest upon grounds at once narrow and deceptive. The hon. Member for South Norfolk and the hon. Member for South Leicestershire have gained great credit for indiscriminately opposing every measure which might have added a penny in the pound upon the rates; but they carry this system much too far when they support this Bill with that single aim. A good deal has been done in this sense. I do not complain of that, because the House at one time seemed inclined to care too little how heavily it might burden the rates; but when it comes to this—that for the sake of saving a halfpenny in the pound we are to have this great political change introduced, this narrow economy carries hon. Members and the House too far. There has been another agency at work. We have had the officers of the Convict department of the Civil Service, and notably Colonel Ducane, vilifying the justices, from a desire, I suppose, to extend the sphere of employment for Government officials. There has been yet another agency at work. The origin of this attack upon the system of local government in this country is within our memory. With respect to the county

prisons, the movement in 1862 was originated by the Roman Catholic hierarchy. Some hon. Members seem disposed to doubt this. I will, therefore, read to the House an extract from *The Tablet*, a newspaper which was then, and is now, an organ of the Roman Catholic hierarchy. On the 17th May, 1862, it contained a letter from the Rev. Canon Morris, secretary of the committee appointed to prepare a Bill to remedy the alleged grievances of Roman Catholics in convict, county, and borough gaols. His letter states that several meetings on the subject had been held in London.

“ A sub-committee was appointed, consisting of the Honourable Charles Langdale, Canon O’Neal, V.G., and Mr. Ryley, with myself as secretary, to prepare a Bill, which would represent a complete remedy for all the grievances of Catholics, both in convict and county or borough gaols. This Bill, when prepared, was submitted to his Eminence (Cardinal Wiseman) and the Bishops in Low Week, and at the meeting which has just been held it has been resolved that the sub-committee be requested to take steps for its immediate introduction into Parliament.”

This is from *The Tablet* of the 17th of May, 1862, but on the 24th of May it was further announced in *The Tablet*—

“ We have the satisfaction of once more reporting progress on the prison question. Our readers are already aware that at a meeting held some weeks ago at the Stafford Club it was resolved that a Bill, dealing with the whole case, should be prepared; they are also aware that this Bill has been prepared and submitted to the Bishops, by whom it was approved. Another meeting was held at the Stafford Club, at which it was resolved that a sub-committee, consisting of the Very Rev. Canons O’Neal and Morris, Sir Charles Clifford and Mr. Ryley, should be requested to take all necessary steps for the immediate introduction of the Bill into Parliament. In pursuance of this resolution, the sub-committee met and resolved on requesting Mr. Pope Hennessy, M.P., to take charge of the Bill. We are happy to add that Mr. Hennessy has consented to do so, and that in the Votes and Proceedings of the House of Commons, among the Notices given on Wednesday, May 20, appears the following:—‘ Mr. Hennessy: Roman Catholic Prisoners Bill to amend the Law relating to the Religious Instruction of Roman Catholic Prisoners in England and Wales, Tuesday, May 27.’ ”

This is my authority for the statement I have made. When that Bill came to be discussed it was found that the purport of it was to give the Roman Catholic Bishops power to appoint a chaplain for every gaol in which any considerable number of Roman Catholic prisoners

were confined; and that where no such chaplain was appointed and paid out of the rates, a priest should be less regularly, but still actually, appointed by the Bishops, and that these Roman Catholic priests should have access at all times to the prisoners, notwithstanding any prison regulations. That was the beginning of this attack. Sir George Grey was then Home Secretary, and objected to this Bill as subversive of prison discipline; and in 1863 he introduced a Bill of his own, meeting in some degree the Roman Catholic demand, but preserving the authority of the visiting justices. The Roman Catholic hierarchy were not satisfied with that Bill, and continued, through their Representatives in this House and otherwise, to attack the county justices, because the principle was preserved that the attendance by the Roman Catholic chaplains on the prisoners should be regulated by the visiting justices, and the acceptance of these priests’ ministration was not made compulsory on the prisoners. The agitation continued, and in 1865 the Prisons Act was passed; but this Act preserved intact the local jurisdiction of the justices of the peace, which the Bill of Mr. Pope Hennessy, introduced in 1862, would have invalidated, and which this Bill proposes to sweep away altogether. I hope the House will forgive my having gone through these details of evidence; but as I was a Member of the House during the years 1862, 1863, and 1865, and as the right hon. Gentleman was not a Member, and was, consequently, comparatively ignorant of the proceedings which led up to the Act of 1865, I may be excused for thinking that when he launched this Bill, containing the transfer of such enormous powers to the Home Secretary, he may have commenced action without being personally cognizant of the circumstances that led to the introduction of the Bill of 1865. I am aware that the hon. and learned Member for Dewsbury (Mr. Serjeant Simon), who co-operated with me in some details, is in favour of this measure generally. I regret that such seems to be his inclination. My object in rising is this—It may be that Parliament will decide in favour of this great change in the administration of justice; but I am strongly of opinion that the House has sanctioned this Bill under circumstances and at a time when the

vital magnitude of the change proposed was not adequately foreseen. I rejoice, however, to find that many of the Liberal Party have opposed this Bill, and that they seem to be becoming conscious that if they are to be worthy inheritors of the great traditions of the whole Whig Party, who were in years gone by the defenders of constitutional freedom in this country, they must act in a Conservative sense, when a Government, supposed to be Conservative, adopts reactionary measures of this type.

MR. SERJEANT SIMON, while expressing his concurrence in almost everything which had fallen from the hon. Member for Leicester (Mr. Taylor), would remind him that the present Bill did not introduce flogging or any of the other punishments to which he had referred, though he regretted as much as his hon. Friend that the Home Secretary had not found himself in a position to deal boldly with those brutal and brutalizing punishments by sweeping them away altogether. He could not, however, on that account withhold his support from a measure which would mitigate the severity of the lot of political prisoners, and make better provision for the care of those who were detained in our gaols before conviction. He was sorry to find that so poor an opinion had been expressed of the justices, and that if this Bill passed, they would no longer visit the prisons. He could not recognize the connection between the office of a justice of the peace and that of goaler of which some hon. Gentlemen seemed so tenacious. On the other hand, he thought that the justices could perform no nobler work in connection with the prisons than that of standing between the prisoners and the Crown, and preventing an abuse of authority. Again, the Bill would shut up at first 70 useless prisons, re-organize others, and bring them all into combination, under one uniform system of discipline. It was desirable that we should have a prison discipline of which our criminals would stand in awe, and that we should no longer hear that criminals selected the district in which to commit crime, because the discipline in one district was lighter than that in another. With regard to the objections raised to the Bill, on the ground of its centralizing character, he saw no reason why prisons

should be looked upon as local institutions. They formed part, so to speak, of the criminal law of the country, and they ought to belong to the country at large. He did not believe that the county gentlemen would cease to take an interest in the prisons if this Bill were passed. There would be ample scope for their energies, seeing that they would be able to make their complaints heard in the House of Commons. Considering the objects of the Bill, he could not understand objections to it on the ground of economy. He regretted that the Secretary of State had not acceded to the proposal he made the other night to allow Parliament to have a complete control over the prison rules he proposed to make. While he would not say that the measure was without faults, he thought that the right hon. Gentleman in introducing it had done one of the most signal and beneficial acts of his official life. He gave it his most cordial support.

MR. DODSON said, this Bill was introduced last year for the purpose of affording relief to local taxation and the establishment of absolute economy; and in the Speech from the Throne this year economy was put forward as the main object of the Bill; but as the discussion of the measure had gone on, less and less was said about economy in the transfer of the prisons to the Government. The great argument now was uniformity of prison management. In proposing to take away the management of the prisons from the local authorities, economy and the relief of local taxation had been offered as a *quid pro quo*. If the object had simply been to secure uniformity of management, that could have been done by means of rules, without transferring all power and patronage to the Government. In introducing the Bill last year, the right hon. Gentleman anticipated that it would lead to a saving of £100,000 a-year; £50,000 he expected would be gained by greater efficiency of labour, while £50,000 would be saved by reducing the number of prisons in the country. Was the right hon. Gentleman still as sanguine on the point of economy? Gentlemen who had analyzed the prison statistics had come to the conclusion that if the right hon. Gentleman closed 54 prisons, there would be a saving of only £21,000. It was to be remembered,

moreover, that concessions had been made, not in the direction of economy, for the right hon. Gentleman had undertaken to compensate local authorities in respect of superfluous prison accommodation. In connection with the subject of prison labour, the Secretary of State had already found, and in future would probably find his duties under the Bill invidious and difficult. It might be expected also that there would be an immense increase in the number of Questions put to him in that House with reference to the treatment of prisoners when he had assumed the exclusive responsibility. Another great responsibility which the right hon. Gentleman had undertaken was the framing of rules for the regulation of prisons. Those rules were to lie 40 days on the Table of the House, and it was to be hoped that they would actually be presented, and not, like some other rules, lie there for great part of the time only in dummy. With regard to the centralizing character of the Bill, he could not but think that if the visiting justices came into collision with the officials of the central Government, they would find the influence of the latter too strong for them, and they would be sent to the wall. He maintained that in all cases where centralization was not necessary, or highly expedient, it should be abstained from, or abandoned. After all the discussion on the Bill, he still retained his former doubt whether its advantages would be compensated by its disadvantages. He suggested that his hon. Friend would content himself with having protested against the Bill, and not put the House to the trouble of a division.

MR. ASSHETON CROSS: Sir, I have not very much to say with respect to this Bill, because I have already troubled the House very often. I must, however, object very decidedly to one word that fell from the hon. Member for Burnley (Mr. Rylands), for he said that there had been "precipitate" action in the matter. Well, there was a very long debate last year, such as hardly any Bill ever went through before, and a most decisive expression of opinion, as the second reading was carried by an almost unprecedented majority. I am bound to say that I can never expect such a majority again. Since that time

Mr. Dodson

the Bill has been completely discussed throughout the country, and the general conclusion is that it is a good Bill, and a wise one, and ought to pass into law. I hope that nothing I have said will lead any hon. Member to suppose that I wish to prolong the debate, now that the subject has been discussed—and very properly—at much length. I may say that the speech of the hon. Member for Burnley is a most valuable index to the debates, and any one referring to it will find a summary of everything that can be said, or suggested, or imagined against the Bill. He has spoken of the increase of local rates and taxation. I wish he had mentioned two matters connected with it, and that when he touched upon this vital question, he had stated the cause of the increase and the increase of local taxation in the municipalities. The hon. Member for Leicester (Mr. P. A. Taylor) said that his objection to the Bill—his sole objection almost—was that it did not abolish flogging. At all events, if the Bill does not go so far as that, it includes better safeguards against the abuse of flogging than have been embodied in any previous measure. While I am touching upon this subject, I must allude to Holloway Prison. Some time ago, a letter was made public which gave strong expression to the notion that all manner of hardships went on in that prison, and I made it my first duty to communicate with the authorities. In consequence, I have here a long statement in contradiction to that letter. I am bound, however, to say that the writer of the statement alleging cruelties is a person who has been given to intoxicating drinks for a long time, his health became so seriously affected as to require his confinement in the lunatic asylum; and during his stay in Holloway Prison knives and other sharp instruments were always kept out of his way, so that his meat had to be cut for him. I wish to explain that when he wrote that letter he was very probably suffering from some mental affection which warped his judgment. The statement of the authorities is too long for me to read, but it is a substantial denial of every accusation. I have also in my hand a letter, of which, if the House will allow me, I will read one sentence without naming the writer, for that is the condition on which I may use the

letter, but I will show the seal to the hon. Member for Leicester afterwards. The writer says—

“The extraordinary statement of cruelties furnished by Mr. P. Taylor appears to me to be so far from the truth that, in the public interest, I come forward to refute it. I am a man who suffered 12 months’ imprisonment in Holloway Gaol, but I never saw or heard of one single act of cruelty beyond the strict discipline of the prison; nor do I believe these charges.”

The hon. Member for Oldham (Mr. Hibbert) naturally went to a considerable length in comparing the expenses of the county and borough prisons. He must remember, however, that there is a great difference in the number of persons required to look after them. One of the prisons particularly mentioned—that of Woking—is practically a hospital and not a prison; and, so far as I know, the only fault of the Lancashire prisons is that the county is too proud of them. The hon. Member for North Warwickshire (Mr. Newdegate) is a persistent opponent of the Bill, but I cannot follow his argument about the Common Law, and I cannot understand whether it is his opinion that the Secretary of State or the visiting justices will have too much power under this Act. The right hon. Gentleman opposite (Mr. Dodson) has asked me four questions, and I will answer them very briefly. First, as to the question of economy, that matter has been considered very carefully, and I believe that £50,000 may be saved both in the one case and the other. But the compensation to counties and boroughs which the House thought proper to agree to, must be deducted from any saving that may be made. I believe the hon. Member for Burnley was one who voted in the majority on that point, and compelled the Government to yield to what was proposed. With regard to prison labour, there are, no doubt, great difficulties in administering that part of the Bill. But it is more likely that prison labour will interfere much less with the ordinary run of labour throughout the country when it is in one hand than when it is in many hands. Then the right hon. Gentleman says that many more Questions will be asked of the Secretary of State as to the treatment of prisoners than have been asked hitherto. My answer to that is this—if the treatment of prisoners is bad, the more Questions

asked the better; if the treatment is good, the more easy to answer them. Then the right hon. Gentleman says that the rules must be laid on the Table for 40 days. I am glad that he pressed that subject on the attention of the House; the question of the rules will be considered during the Recess, and the rules will be laid on the Table. I will not take up any more time, but will only express a hope that the House will agree to the third reading of the Bill without a division.

MR. PARNELL thought that a great opportunity had been lost by the Liberal Party in not fulfilling what he considered to be the proper mission of the Liberal Party in Opposition in reference to such a Bill as this. There could be no doubt that the legislation of the present Government had been marked by a centralizing tendency. They pledged themselves on coming into office to direct their attention to measures of a domestic character, and not to continue the sensational legislation of the late Government. It was also understood that they intended to take the ground from under the feet of those Liberal Members who had endeavoured to promote the power and spread the number of local institutions and local self-government. He was much struck by some remarks of the hon. Member for Burnley (Mr. Rylands), who told them that if the Government went on in that way, by introducing measures like the Valuation Bill, they would gradually do away with the *raison d'être* for the existence and for the establishment of county government. He was thankful for the support he had received when endeavouring to improve the treatment of political prisoners, both during and after trial; but, at the same time, he could not help regretting that a great opportunity had been lost by the Liberal Party. This Bill held out a sort of bribe to the ratepayers, in the shape of a fancied reduction of the rates; but in reality it would effect no such reduction, and the ratepayers would find that the money for the support of the prisons would still come out of their pockets, though not exactly in the same way as before. What was the action of the Conservatives who represented the interests of the unpaid justices of England? From the first they introduced Amendments in favour of their own order. They were most indefatigable in their

attendance and in their hostility to such portions of the Bill as seemed to trench on their privileges. Many provisions had been introduced saving the power of visiting justices, and giving powers which the Home Secretary did not contemplate when he introduced the Bill. He should have preferred, if this question had been postponed by the Government until they had dealt with the system of county government in England, Scotland, and Ireland. When they had completed that legislation, it would have been a noble act to have handed over these prisons to the county authorities. However, they could not now hope to stop the progress of the Bill; and he had seen the necessity for this Bill becoming law. He hoped the hon. Member for Burnley would not take a division at this stage.

MR. ALDERMAN LUSK testified to the character of the Governor of Holloway Prison as an able, kind, and judicious officer, and one who had the thorough confidence of the magistrates. That gentleman had written a letter to him, in which he had stated that the charges of cruelty and violence to prisoners, of the use of thumb-screws, of the fastening of prisoners to walls and starving them, and other such accusations were totally untrue. All the prison officers stated that these things were merely creations of the imagination. The Governor added that he had never seen a thumb-screw in his life.

MR. BIGGAR noticed several objections to the Bill, and remarked that the Government had refused to give the House the option of affirming or not affirming the rules adopted for prisons. He thought additional facilities should have been given for enabling Roman Catholic prisoners to have chaplains of their own faith. He thought also that it would have been well if the Government had agreed to a clause abolishing flogging entirely in prisons.

MR. RYLANDS said, after the discussion which had taken place, he would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

Mr. Parnell

SUPREME COURT OF JUDICATURE (IRELAND) (re-committed) BILL.

(Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.)

[BILL 184.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

MR. BIGGAR said, he had risen before the right hon. Gentleman left the Chair with the view to offering some observations upon this Bill, and also with the intention of dividing the House against it. He would not charge the Speaker with having intentionally neglected to see him; but he felt he had reason to complain, that in consequence of the right hon. Gentleman having left the Chair he was precluded from taking the course he had intended. He would consequently move that Progress be reported. In his opinion, this Bill really was not required. It was founded upon some idea that Ireland ought to follow England in an amendment of the Judicial system; but so far as he could make out the English Judicature Bill had proved an entire failure. He thought, at all events, that the Bill for Ireland might have been postponed till the experiment had been tried longer in England. Those in charge of the Irish Business of the Government would have displayed more intelligence if they had pressed forward the County Courts Bill, which was a measure greatly needed, and which really provided Courts for the poor man, in preference to the present Bill.

SIR JOHN HAY thought it was only due to the right hon. Gentleman who presided with such dignity and fairness over the House to say that the House had actually given its assent to the Question that he leave the Chair before the hon. Member for Cavan (Mr. Biggar) rose. ["No, no!"] While the right hon. Gentleman was leaving the Chair the hon. Member was moving up from his place, and the Speaker was justified in assuming that he was going to speak upon a question in Committee.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he was quite confident that the right hon. Gentleman (the Speaker) had no intention of preventing discussion on this or any

Bill introduced into the House, nor, he need hardly say, had the Government. He pointed out that the hon. Member for Cavan (Mr. Biggar) would have every opportunity of discussing the measure, and on the Question now before the House, that the Preamble be postponed, it was quite competent for him, or for other hon. Members, to make any observation, on the general scope of the Bill. This was not the first occasion on which the Bill had been introduced into the House. It was now the third year, and he did not think it unreasonable in him to assume that the provisions and policy of the Bill were before hon. Members from Ireland. As to the working of the English Judicature Act, he thought the hon. Member was wrong in stating that it was an entire failure. The discussions which had taken place in the House, and the views expressed by the hon. and learned Members for Taunton (Sir Henry James) and Durham (Mr. Herschell), did not show it to be so. As far as he had been able to find out the arrears of business were far less than at any former time; while a shorter time than formerly now elapsed between the commencement of a cause and its final conclusion. As to the Irish County Courts Bill, he was most anxious to promote its passing; but it was a Bill the discussion of which would occupy a long time. It had not been long before the House, whereas this was the third Session the present Bill had been before the House. The Government could hardly hope to pass the County Courts Bill except they had considerable time at their disposal; and, therefore, although he had no desire to postpone legislation on the subject, he hoped that the House would, under existing circumstances, proceed with the consideration of the measure not before it.

MR. BIGGAR wished to disclaim any intention of imputing unfairness to the Speaker, but to point out that immediately the Question was put from the Chair he rose, and, in the only way it was possible for him to call attention to the fact that he had risen, addressed the Speaker. Considerable confusion had, no doubt, prevailed in the House at the time, in consequence of hon. Members leaving the House after the debate on the Prisons Bill. He did not want unnecessarily to obstruct the present Bill;

but he thought they ought to have some explanation of its provisions from the Attorney General.

MR. MELDON said, no Member was more strongly convinced than himself of the inutility of this Bill. It really was not wanted at all, and it was the unanimous belief among both branches of the legal Profession in Ireland that things were well enough without any change. He did not, however, think it was of any use opposing it; because it was quite out of the question that the Government would allow things to remain as they were in Ireland after the great change which had taken place in England. If a change was to take place, it was desirable that it should be effected as soon as possible, and that an end should be put to the present state of uncertainty, which was so injurious both to the Profession and the public. For his own part, he thought that the Government were much to blame for not having pressed on this Bill rather than the Universities Bill and the Prisons Bill. Although he was strongly opposed to the Bill, he would, therefore, urge his Colleagues not to obstruct its passage, which he regarded as inevitable. Anything would be better than the continuance of a state of things in which no one knew where he stood, or what he had to expect. Once over, he believed that the Judicature Act would work better in Ireland than in England; because in the former country the Profession were conversant both with Common Law and with Equity, and because, owing to the smaller amount of business, the Judges could take more time to see how a new system should be worked.

MR. PARNELL objected to being deprived of the opportunity of addressing the House on the Question that the Speaker should leave the Chair. He quite agreed with the hon. Member for Kildare (Mr. Meldon) that there were defects in the present state of Judicature in Ireland; but he did not consider that the Bill would remedy those defects, and he should therefore oppose the passing of the Bill. The hon. Member for Cavan (Mr. Biggar) had had an Amendment for some weeks on the Paper to oppose the Bill being considered in Committee, and that Amendment he (Mr. Parnell) intended to support; but the Amendment had disappeared from the Paper, and when the hon. Member

went to the Clerk at the Table to inquire why it had been omitted, he was told that some Gentleman came to him and told him that he had the hon. Member's authority to withdraw the Amendment, and so it was not inserted in the Paper. The absence of the Notice was, no doubt, the reason why the attention of the Speaker was not directed to the hon. Member. They were not placed in a position of opposing the Bill, as they would have been had the Amendment not been got rid of; and unless the Attorney General for Ireland would consent to replace them in the position in which they were before, he (Mr. Parnell) should feel bound to offer the Bill an opposition which in the present state of Public Business would render its passing simply impossible. He should, therefore, support the Amendment of the hon. Member for Cavan, and if that were negatived he should himself make another.

DR. WARD said, that it was an extraordinary thing for the Government to ask the House to assent to a Bill which would commit the House to the maintenance of an excessive Judicial Staff in the Superior Courts in Ireland at the very time they were promoting a County Courts Bill, which would greatly diminish the amount of business now before the Superior Courts, and was confessedly inadequate to occupy their time. He should, therefore, under present circumstances, feel it his duty to oppose the Bill now before them.

SIR JOSEPH M'KENNA said, the Irish Courts had been in the habit of shaping their decisions on the jurisprudence of this country, and, therefore, he hoped this Bill would be allowed to pass as a small instalment of justice to Ireland. It would be felt as a very great grievance by many.

SIR MICHAEL HICKS - BEACH said, he was quite sure that the general desire of the Committee was to have a full discussion on the Bill. He thought also that the hon. Member for Cavan would admit that the Government were justified in supposing that the hon. Member had no intention of pressing the Amendment which he had put down on the Paper after it had disappeared from the Paper. He understood that after the Speaker had left the Chair the rule was that any hon. Member who had a Notice of Amendment on the

Paper was entitled to be called upon by the Chairman before it would be possible for the Bill to be re-committed. He therefore thought it was obvious that such a proposal as that now made could not be listened to. What was the position of the hon. Member for Cavan? The Question was, that the Preamble be postponed, and on that Question there was, to a certain extent, an opportunity of discussing the principle of the Bill. There was, of course, another Motion, which the hon. Gentleman was at liberty to make—namely, that the Chairman should leave the Chair, or that Progress should be reported. As those two opportunities were open to the hon. Member, he thought it was not unreasonable for the Government to ask that they should now be allowed to hear the objections which were taken to the Bill itself.

MR. SHAW could not understand why the English Law Bills had not been pushed forward, especially as no opposition had been offered to them by the Irish Members. He thought that if the County Courts Bill and the present measure were referred to a Select Committee composed entirely of lawyers, who would be able to mould them into shape, there would be no difficulty in passing both Bills this Session.

MR. O'SHAUGHNESSY thought the County Courts Bill deserved prior attention to this Bill. He considered that in Ireland, at the present time, the Judges were fully worked; but when the change of taking away some of the inferior business out of their hands was carried out, he was very much mistaken if a considerable reduction of the number of Judges in the Superior Courts would not be possible.

MR. HERSCHELL remarked that there were always professional prejudices when new measures were proposed. Since the introduction of the English Judicature Bill a very great saving of time had been effected in carrying causes through, and the Irish people would be getting a real advantage if they got this Bill passed.

MR. BRUEN thought that the hon. Gentlemen who objected to this Bill being taken before the County Courts Bill had had ample opportunities, if they had chosen, of bringing the question before the House.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he

Mr. Parnell

perfectly sympathized with the remarks made by the hon. Member for Cork (Mr. Shaw) with respect to the County Courts Bill; but, at the same time, the Government were very anxious that the Bill should be referred to a Select Committee. It stood as an Order for Thursday, but was objected to by the hon. Member for Meath (Mr. Parnell) and two others, so that it could not be considered after a certain time. He therefore hoped that the hon. Member for Cavan (Mr. Biggar) would withdraw his opposition to the present measure, which was really necessary to accomplish several reforms in the Irish Judicial system.

MR. MELDON did not think that a reference of the County Courts Bill to a Committee would do any good, because they could not provide a proper staff for the working of the Act.

MR. GRAY said, he did not intend to discuss the merits of this proposal; but he had always understood that that House was exceedingly jealous of its privileges, and of the privileges of what were called private Members. It appeared to him that something like a wrong — an unintentional wrong, perhaps — had been done to a private Member. The hon. Member for Cavan (Mr. Biggar) had put a Notice on the Paper. It seemed that by some means his Notice had been removed without the hon. Member's knowledge or consent. He had no doubt whatever that the removal was accidental; but the effect of the removal had been to the prejudice of the hon. Member, and this prejudice had been done through no default of his own. Certainly, it appeared to him that the proper course to pursue under the circumstances would be to re-commit the Bill, and he thought the hon. Member had a moral right to insist on that being done. If that should be refused him, and the hon. Member should to any extent use obstruction afterwards, it would be within his moral right. If the Government suffered any inconvenience afterwards through not conceding the request of the hon. Member, then the Government would only have itself to blame for what would happen.

MR. BIGGAR thought there was not sufficient time to pass the Bill this Session, and, therefore, the Government ought not to proceed with it.

It being now ten minutes to Seven of the clock, Committee report Progress: to sit again upon *Friday*, at Two of the clock.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

MILITARY LAW.

MOTION FOR A SELECT COMMITTEE.

SIR COLMAN O'LOGHLEN rose to call attention to the Reports of the Court Martial Commission in 1869, and to the confused and complicated provisions of the existing Mutiny Act and Articles of War; and to move that a Select Committee be appointed—

“To inquire into the present state of our Military Law, including the constitution and practice of Courts-Martial and Courts of Inquiry, and to report to this House the principles upon which the revision of the Mutiny Acts and Articles of War should be carried out, and how best this revision should take place so as to ensure legislation on the subject in the next Session of Parliament.”

when——

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 20th June, 1877.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading*—Turnpike Acts Continuance * [204].
Second Reading—Landlord and Tenant (Ireland) Act (1870) Amendment * [51], *debate adjourned*; Marriage Preliminaries (Scotland) * [161].
Committee—Provisional Orders (Ireland) Confirmation (Holywood, &c.) * [192]—R.P.
Committee—Report—Elementary Education Provisional Order Confirmation (London) * [179]; Gas and Water Orders Confirmation (Brotton, &c.) * [191]; Elementary Education Provisional Orders Confirmation (Cardiff, &c.) * [178].
Withdrawn—Locomotives on Common Roads [22]; Agricultural Holdings (Ireland) * [58].

ORDERS OF THE DAY.

LOCOMOTIVES ON COMMON ROADS

BILL.—[BILL 22.]

(Colonel Chaplin, Mr. Charles Praed,
Mr. Samuelson.)

SECOND READING.

Order for Second Reading read.

COLONEL CHAPLIN, in moving that the Bill be now read the second time, said, that the object of the measure was to consolidate the existing law and to introduce some Amendments into it. That the present Bill was perfect he did not pretend to say—on the contrary, he believed many improvements might be introduced in Committee. He might fairly say that the existing law relating to locomotives on common roads was faulty:—nor was this to be wondered at when they reflected on the enormous strides that had taken place within the last few years in machinery of every description, and remembered that the Act regulating the use of locomotives on roads was passed in 1861, and that since that time, with the exception of an amending Act in 1865, no legislation had taken place on the subject. It seemed to him, therefore, that the subject required and deserved immediate attention not only in the interest of those who used locomotives, but for the safety of the whole community. The first object to be aimed at in dealing with the question was the safety and convenience of the public; and the second should be the expansion of the general industry of the country, so far as they could do so. Some years ago great prejudices existed against the introduction of steam engines on common roads, and some persons who had heard that he had brought in a Bill on that subject had expressed a wish that he would put a stop to those nasty things altogether. That had been said partly under the idea that those machines damaged the roads, but mainly because they were ugly, and also because they might frighten horses. Those prejudices still existed, though perhaps in a modified form; and he thought that by judicious legislation that unsatisfactory state of things might be put an end to altogether. He did not, however, believe that either the House or the country would listen to a proposal for prohibiting altogether the use of loco-

motives on public roads—they were now so extensively used throughout the country that they might be said to have become a necessity. As to the last objection—he had had considerable experience in regard to horses both on town and country roads, and his conviction was that the danger apprehended in that case generally arose much more from the ignorance of those who had charge of horses than from any real danger through the use of locomotives. He thought that bicycles were really more dangerous than locomotives. Considering the rapid progress made in our days by mechanical science, it was obviously impossible to frame a law on that subject which would endure for all time, without requiring a revision; and early this Session a Select Committee was appointed to consider how far, and under what regulations, steam or other mechanical power might be allowed to be employed on tramways and public roads. That Committee had before it the Report made by a similar Committee which sat in 1873, and gave it as their opinion that in that Report there were sufficient materials to form the foundation of future legislation. They expressed their concurrence in its main recommendations, among which were these—that the direct legislation affecting the use of locomotives on common roads should be consolidated into one Act, and that that Act should not be temporary in its duration. He hoped, therefore, he was not presumptuous in now endeavouring to consolidate the law on that subject. With regard to the duration of the Act, he understood the recommendation to which he had referred to mean that they should pass a law which would last as long as possible, not one that could be expected to last for all time. The inquiry made by the Committee of 1873 appeared to have been exhaustive and complete. They took evidence, among other things, as to the large amount of capital invested in those engines, which rendered the question involved one of importance to the employers of labour. Four years had since elapsed, and it was the unanimous testimony of all the manufacturers of those machines that the *ratio* of increase in their use in this country within the last five years had greatly exceeded that of any former period. The evidence taken in 1873 with respect to horses was somewhat

contradictory, as was only to be expected when different interests were concerned; but the Committee found that even those witnesses who were opposed to the employment of locomotives on public roads admitted that horses soon got used to the sight and the sound of those engines. That entirely agreed with his own experience; and he maintained that any infinitesimal danger which might arise in spite of proper regulations and precautions could not for a moment counterbalance the enormous advantages resulting from the use of steam power on the roads. As to the question of the damage done to the roads by the wheels and tires of locomotives coming in contact with them, the Act of 1861—the first Act regulating the use of locomotives on common roads—dealt with that matter. Since then, however, immense improvements had been made in the construction of wheels, and he thought that our legislation on that head should have due regard to the present conditions of mechanical science. The object, of course, should be to secure the roads against all unnecessary and avoidable injury from the passing of locomotives along their surfaces. The result of the operation of the law as it existed was that the owners of engines were often compelled to break it, and it was monstrous, in his opinion, that they should be obliged to use wheels by which unnecessary damage was done to the roads. Then there was the system of licensing, to which, for his own part, he was rather opposed, as tending to relieve the owners of engines from that sense of responsibility by which it was desirable they should be influenced. As to the requirement that a red flag should be carried 60 yards in advance of an engine, he thought it an useless precaution—and, more than that, the evidence which had been given before the Committee showed that it had the effect of frightening horses to a considerable extent. He had introduced a clause into the Bill providing for an appeal to the President of the Local Government Board. These and many other matters of detail could be advantageously dealt with in Committee. It only remained for him to say that, although he believed there were some persons who desired to see the use of locomotives on our roads done away with altogether, yet that was not the view taken by the community

generally, who believed them to be a necessity to the country: and, moreover, the experience which had been already gained in working them had shown that they could be constructed on an improved plan, so that they might be employed without doing any injury to the roads. The question really was—whether Parliament should or should not sanction the permanent use of locomotives on common roads, and whether the time had not come when such sanction should not be legislatively given?

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Colonel Chaplin.*)

MR. BROMLEY-DAVENPORT said, that he had always taken an interest in this subject; and although he had opposed a Bill dealing with it introduced by the late Mr. Cawley, he was now of opinion that some measure with respect to it ought to be passed. Such a measure should, however, in his opinion, be brought forward by the Government, and should not be in the hands of a private Member; and, further, the question had to be considered whether, under the present disorganized state of the law in reference to highways and turnpike trusts, it was at present practicable to pass any useful measure in reference to the use of road locomotive engines upon them. The hon. and gallant Member had referred to the evidence taken before the Select Committee of 1873 and its favourable character; but he believed that out of the 15 witnesses examined, 12 of them were interested in manufacturing, and in otherwise promoting the use of locomotives on common roads. He did not say that this necessarily gave a bias to their views; but still they must keep the fact in view in weighing the evidence. He could from his own experience state that a great deal of damage was done to roads by locomotives, and it was no wonder it should be so, seeing that they were not constructed to bear such heavy burdens. To render them fit for the purpose would cost a large sum of money. He did not know whether any active opposition was intended to the Bill; but if no more cogent arguments were adduced in its favour than had yet been offered, he felt disposed to ask his hon. and gallant Friend to withdraw the Bill.

ADMIRAL SIR WILLIAM EDMONSTONE said, he was strongly opposed to machines of this description being allowed upon our public roads, the surface of which they ruthlessly cut up, and broke down the bridges. So far as Scotland was concerned, he was sure the roads were not sufficiently strongly made to bear the enormous weights put upon them by these machines. At the present moment they had a Bill before the House of Commons—the Roads and Bridges Bill—and it was a very important matter for the country to consider whether, if a Bill of the description they were now considering should be sanctioned by the House, the whole country would not soon be covered with engines of that description. But he objected to it also in the interests of horses—indeed, he was much surprised that an hon. and gallant Member, who was so much interested in horses, should have brought in this Bill. It was all very well to say that horses would get accustomed to the machines—he himself had known instances over and over again where horses could never get accustomed to them. While, however, objecting strongly to the use of these engines, he was not at the present moment prepared formally to oppose the second reading of the Bill, but merely wished to enter his protest against it.

MR. MONK said, he was sorry that his attention had not been earlier called to the provisions of this Bill. He agreed that it would be well if they could pass a consolidation Bill upon this subject: but this Bill did more—it proposed many alterations in the law; and, moreover, it was very defective—it did not provide for the consumption of the smoke, nor propose any limitation to the weight of the engines; nor did it propose any means by which those who used them should compensate for the enormous damage they did to the roads. He also thought that a measure of this sort could only be introduced with advantage on the authority of the Government, for it would be utterly impossible for a private Member to obtain the information necessary to guide the House in dealing with it. Under the circumstances, he did not think that it would be desirable to read the Bill a second time.

MR. ASSHETON said, he very much concurred in the remarks of the last speaker, and wished the Government

could have taken up the subject; but, seeing that their hands were already so full of business, he thought the House was indebted to his hon. and gallant Friend for the pains he had bestowed on the subject. As to the danger arising from the frightening of horses, he was not disposed to attach very much importance to that point—what frightened them was the snorting of the engine; but there would be no difficulty in providing that an engine should be noiseless, as he had been informed was the case in Paris. The red flag, too, ought, in his opinion, to be done away with; and as to the damage to bridges, those who subjected them to the strain of unreasonably heavy loads ought to repair them. He might also observe that the regulation as to the rate of speed of locomotives sometimes operated very harshly; so that it would be well that no hard-and-fast line as to pace should be laid down. He hoped, he might add, to see light passenger locomotives soon running on our roads, going at the rate of nine or ten miles an hour. That would be no novelty, for in 1834 or 1835 an engine constructed in Glasgow used to run a short distance from that city with passengers, and was very successful; but so great was the opposition offered by the trustees of the road to the experiment, that it had to be given up. They raised the tolls; and, that step failing, they covered the road with new broken stone, so that the wheels were shattered daily, and had to be replaced by others made during the night. At last, so great was the strain that a boiler blew out and all the passengers were killed. It was clear, however, that but for the opposition which had been offered to it, the experiment would have gone on satisfactorily; and, entertaining that view, he should vote for the present Bill if the second reading were pressed; although, considering the large interests involved in the question, and the amount of consideration which it required, he hoped the House would not be put to the trouble of a division.

MR. M'LAREN said, this seemed to him to be a very crude Bill, and required a great deal of adjustment. He thought, indeed, that no Bill could be satisfactory on this subject unless it was introduced on the responsibility of Government. As an instance of the careless way in which the clauses were framed, he might mention that by Clause 9 the authorities

of any borough or town in England with a population of 5,000, or upwards, by the last Census, might regulate the speed of locomotives through their streets; but the very next sub-section applied to Scotland, and said that this power should only be vested in the authorities of any town of 10,000 inhabitants or upwards. Therefore, the framers of the Bill seemed to contemplate that the interests of less than 10,000 people in Scotch towns were not worth taking care of. He was sorry that so many of the Home Rule Members were not present to look after the interests of their country—there was no restriction whatever in the Bill as to the towns of Ireland, and therefore no authority there had power to remedy any evil connected with the use of locomotives on roads; although Clause 13 said that the county surveyors in Ireland might regulate other kinds of locomotives than those stated in the Act. He thought that the Bill, apart altogether from the principle of allowing locomotives to run on public roads, was so crudely drawn up, that it should either be withdrawn by its promoters or negatived by the House.

MR. WHEELHOUSE, while he should be one of the very last to say that the use of locomotives should be entirely prohibited on roads, thought that notwithstanding the provisions of the Bill as to the regulations local authorities would be empowered to make to ensure safe passage along the streets of large towns, he feared that if these locomotives were once permitted to be taken through them we should get into a difficulty out of which it would be impossible to see our way. Not only the streets had to be considered, but there were the passengers on foot and horses and carriages. It should be remembered how in our larger mercantile cities there were continually passing day and night lorries carrying scores of loads from the manufactories to the railway depôts, and that in these towns the passing of locomotives along their streets became a question of the gravest importance. The traffic should be developed, he admitted—no one was more anxious to assist in this—but, at the same time, it must be done safely. He entertained no unreasonable objection to traffic being conducted through the streets, if only it could be so carried on,

and upon regulations framed, not by a private Member, but by the responsible Government of the country. In all these matters public safety, irrespective of all other considerations, first claimed attention; and when he looked at the streets of his own borough, even though they had been so largely improved during the last 30 years, and when he remembered the large towns in the West Riding of Yorkshire, with their comparatively narrow streets formed long ago, he was compelled to come to the opinion that, unless under the strictest regulations were imposed by Government, it might be endangering the lives of the inhabitants. In referring to the population of the towns he had indicated, it must be remembered that flocks of people—men, women, and children—had to pass along the streets at certain hours, often in the dark, or the grey of the winter mornings or evenings, some miles perhaps between the factories and their homes, and on their way these crowds would have to pass these engines. He did not speak of country districts. He could quite understand that provisions ought to be made to meet agricultural requirements and agrarian interests as far as it was desirable. But he was speaking from what he had observed, that the danger to horse and carriage traffic and to foot passengers inflicted by steam engines might be something no one could fully appreciate who had not lived, as he had for some months every year, in one of the largest manufacturing towns in Yorkshire. As he understood the Bill, any person owning an engine or employing one would be at liberty to take it through the streets, no matter what might be the damage caused to the roads, and there was nothing requiring those persons to pay for the repair of such roads so damaged. The only exception was in case of damage to bridges. But were the ratepayers to be called upon to repair the roads so broken up? Most of them did not care about the engines, which were used for a limited interest only, the general public having no concern in them. In fact, if the public were consulted the general feeling would be found that they would rather not see the engines. They made horses restive and endangered carriage traffic. It was not unreasonable, then, that they should object to repair the roads damaged by the locomotives. It was no individual

instance he was placing before the House; but they were dealing with a question so large that every aspect of the case should be presented and put responsibility of doing anything the upon the shoulders of the Government. With all deference to the introducer of the Bill, he doubted whether any private Member could get at the information necessary to initiate a Bill of this kind. The Board of Trade, the Local Government Board, and the Select Committee could hardly gather enough information; how, then, could such a duty be satisfactorily undertaken by a private Member? He ventured to submit to the House that the whole of the information desirable in dealing with such a subject was not before them. There were just one or two other matters worth attention. There seemed to be an attempt in the Bill to change the present law in reference to standing engines and factories being required to consume their own smoke. These locomotives were not to be so required, and persons who went through the streets of our manufacturing towns, or even went down the Embankment now, and remembered the feeling of having his head only a little lower than the fumes from the chimneys, would have a slight experience of what would be the state of things if these engines in the streets, at all hours, by day and night, were puffing their smoke over passers by. It might be said this was putting the matter too broadly, and that there would only be an engine here and there. But they all knew that the development of trade since 1861 taught a different lesson, and it was impossible to say what the end of this seeming small beginning might be. There was another matter in the Bill which required to be looked after. He had no objection to the red flag, and saw no difficulty a man carrying a red flag would have in using both hands on an emergency; but there was no doubt the attempt made in the Bill to substitute something else for the flag was simply useless. It had been said that the red flag now often became a coloured rag on a little stick; but here it was proposed to have a red band on the hat of a man walking somewhere in the same street with the engine, and on the band in white letters the word "Locomotive." Surely this was mere playing. If there should be a man to precede the engine,

Mr. Wheelhouse

he must be distinguished in such a way that he was at once known among a crowd. If not, what was the use of having a man so engaged? With reference to the distinction made between the towns in Scotland and those in England, he thought that at least the application of the Bill should be to Scotch towns not less in number of population, but rather the other way. Whether the Bill was to apply to Ireland he did not know; but he could not see that the measure was adequate to the requirement of the case. Looking to the whole of the circumstances, and anxious as he was at all times—and speaking more especially for the district he represented—that there should be no unreasonable attempt made to restrict trade and limit traffic, he trusted that the Bill would be withdrawn, in the hope that when the necessities and requirements of the case were brought to bear upon the Administration the Government would take on themselves either to introduce a new Bill or one having for its object a consolidation of the old measures. While anxious that this subject should be well ventilated, he was extremely desirous that the responsibility should be on the shoulders of the Government.

Mr. C. H. WILSON thought a great many of the objections to the Bill would be removed if power were given to the local authorities not only to regulate the traffic, but to prohibit entirely the use of these traction engines where it was evident that the disadvantages would be much greater than the advantages. It would be well also if the same power of regulating the traffic were given to the Local Boards of Health in the rural districts as to the Town Councils in the towns. In his opinion, the use of these locomotives would result in many cases in driving private carriage traffic off the roads to a great extent—such he could state had been the result in the neighbourhood of Hull. In a great many cases, no doubt, the use of these engines would be productive of economy, but they were liable to abuses, and while they were of benefit to their owners might do much harm to others. At present, the number of these engines was comparatively few, and he would suggest that the Board of Trade should have authority to give certificates as to safety to locomotives to be used on common roads. On the whole he

would support the second reading of the Bill.

MR. HENLEY pointed out that the Bill imposed no limit as to the length of the train which might be drawn by the traction engines. If a train consisting of six or seven waggons overtook a loaded waggon on a country road where, as was often the case, there was hardly room for more than two carriages to pass, there might in consequence be a complete block. He thought that, at all events, there should be a regulation in such a case that the loaded waggon should remain stationary till the train passed. Nor was there any provision as to the rate of speed while passing vehicles drawn by horses. It was desirable also that there should be a provision to prevent the trains from using bridges which were not very secure, and to insure the prompt repair of a bridge which might happen to be damaged. In the district where he lived, and where there were many small bridges over brooks, this was a matter of considerable importance; for by an accident of this kind, a whole district might be put to inconvenience by the destruction of their means of communication.

MR. BEACH said, the Bill had not been sufficiently circulated in the country to allow of its provisions being properly considered. Steam engines were now indispensable for agricultural work, and therefore it was extremely important that there should be some legislative regulations for their use. The two points dealt with in the Bill were the danger to the general public and the hindrance of road traffic. With regard to danger, he thought that had been much exaggerated, as horses were now generally accustomed to these engines; and the red flag was only a signal to those approaching, and was not waved as they passed by. As to the danger of bridges, to which the right hon. Gentleman the Member for Oxfordshire had referred, there already existed a provision that if a notice was put up that a bridge was not safe for a traction engine to pass over, it would not be allowed to do so. The great fault of the Bill was its inadequacy to meet the damage done to roads by locomotives. The day of tolls was rapidly growing to a close, and therefore tolls would be an inadequate provision. He was of opinion that the case would be better met by a

system of licences, the produce of which should be placed at the disposal of the local authorities for the maintenance of the roads, and if the area of highway districts were increased, it would be easy to pay the amount to the proper local authorities. The damage done to roads depended much on the season of the year; and as steam engines had now come into general use for farming purposes, it would be extremely detrimental if any undue restriction were placed on the use of them. The matter, however, ought to be in the hands of Government, and not of a private Member. The hon. and gallant Member (Colonel Chaplin) might be very well satisfied with the discussion that had taken place, and he (Mr. Beach) trusted the Government would bring in next Session a measure which, while it effectually provided for the safety of the public, would rather promote than discourage the use of locomotives, which every day were becoming more and more essential to agriculture.

MR. SAMUELSON said, he agreed with those who thought it would have been well if legislation on this subject had been brought in by Government. Considering the difficulties that the occupiers of land had to deal with, that the acreage under wheat was now 20 per cent less than formerly, and that heavy-soil farms were a drug in the market, and were continually being thrown upon their landlords, it was obvious that no unnecessary obstacle should be placed in the way of any machinery which would facilitate agricultural operations. At the same time, the interests of the public ought to receive the fullest consideration, and due provision should be made that these engines should be used and not abused. In many respects this Bill was a great improvement upon the present law, and particularly with regard to the consumption of smoke. It was impossible to avoid a little smoke when fuel was first put on the fires; but magistrates were now in the invidious position of being obliged to convict although the nuisance was unavoidable. The Bill proposed a more reasonable regulation. Something had been said of giving more power to local authorities to stop the employment of locomotives. It would be most disastrous if local authorities had any such power. Local authorities should be fully empowered to do those things of which they were the best

judges; but if they had power to stop the traffic of a county, or stifle improvements, great mischief would be the result. He hoped that the right hon. Gentleman at the head of the Local Government Board would give the House some assurance that the Government would take up the question—in which case he hoped his hon. and gallant Friend would be content with the second reading, without going further with his Bill.

MR. PELL hoped the House would not challenge the second reading of the Bill, the object of which was simply to remove certain objectionable features in the existing law. The Bill itself seemed a reasonable one, not at all in excess of the requirements of the time or of the matters it dealt with, and was in strict conformity with the Report of the Committee of 1873, which sat expressly to consider this subject. He did not believe that these locomotives were so dangerous to the public or so injurious to the roads as some asserted. It would be most unwise to drive agricultural engines off the roads, inasmuch as their employment was attended with great advantage, and the cost of maintaining the roads they passed over fell chiefly upon the very persons who used them. The case of traction engines, which were constructed for hauling great weights over roads not constructed for such traffic, occupied a different position; but as they were valuable in some kinds of work, it would not do to prevent their use. He doubted whether, having regard to the expenses they involved and the damage they inflicted upon the highways, they effected any saving at all. If they continued in use, it was only because their owners paid nothing towards the maintenance of the roads. He thought a contribution for this purpose might fairly be exacted from those persons, and that some restriction ought to be placed upon the use of traction engines, by means of licences or tolls. He hoped his hon. and gallant Friend would not go to a division; but if he did, he should vote for the second reading.

MR. D. DAVIES said, he saw no objection to the use of traction engines on roads provided they did not exceed a reasonable weight, and that they were properly constructed. In his opinion, the roads were, as a rule, improved rather

than cut up by the pressure upon them of traction engines—in that respect, he thought the fears of hon. Members unnecessary. There was certainly some difficulty as to the passing of traction engines by other vehicles—especially where the roads were narrow—because it would sometimes happen that the engines could only travel in the middle of the road; but this difficulty could be obviated. He further admitted that horses were often frightened by them; but speaking from experience he declared that by degrees animals got quite accustomed to the engines and were not at all disturbed by them. In short, he knew no difficulties connected with the use of these engines that could not be overcome.

COLONEL BRISE was in favour of facilitating, as far as possible, the use of locomotives, but he was afraid that at present the roads were not in a sufficiently favourable condition to sustain the great weight of the engines—certainly that was so in the district with which he was acquainted. His great difficulty in connection with the Bill was that great trouble would be experienced in getting the owners and users of these engines to contribute towards the maintenance of the roads. He believed that the only way in which this difficulty could properly be met would be by compelling the owners of such machines to take out licences for their use—but then in what way was the money to be distributed? He thought there were several matters in the Bill deserving of consideration; but he hoped the hon. and gallant Member would not proceed further with it this Session.

MR. EVANS agreed with hon. Gentlemen who had spoken, that the subject should be taken up and dealt with by the Government. He thought the Local Government Board was competent to deal with the question and form adequate regulations to govern the use of locomotives. He held it was inadvisable for the Government to be going on year after year passing, as it were, an Act of indemnity in connection with these engines. He suggested that much of the difficulty might be met if some plan were devised by means of which owners of engines might be made to contribute towards the maintenance of the roads.

MR. SCLATER-BOOTH said, he did not think that a very strong case had

been made out in favour of giving the Bill a second reading. Much more time would be required to make it a thoroughly useful and practical measure than the House had at its disposal this Session. At the same time, he admitted that his hon. and gallant Friend had done good service in drawing attention to the subject. A great deal had been said respecting the imperfections of the law; but they were not so very numerous as to demand attention until they could be grappled with effectually. There were several important omissions from the Bill as it was drawn. Some specific enactment, for instance, ought to have been included with reference to the weight of the engines. The Government had no desire unduly or vexatiously to limit the use of road locomotives. On the contrary, they desired to do what was judicious in this matter. But the difficulty was to hold the balance even. The interests of inventors and agriculturists required that no unnecessary impediment should be placed to their use: but the interests of the public were not identical with those of the owners and farmers, and demanded that nothing should be done which would interfere with the free use of the Queen's highway. The interests of the ratepayers had also to be considered. The Bill under consideration was defective in many respects. Such a Bill ought certainly to lay down regulations with respect to the weight of the engines, the construction of the wheels, and the hours during which the locomotives should be allowed to ply upon the roads. His opinion was that some reasonable compromise ought to be sought for in the matter. Supposing the Government made concessions to the owners of the locomotives, the latter ought to submit to further regulations than those to which they were now subject. These and other matters involved could no doubt be dealt with by regulations made by a competent authority; but at present there was no uniform road authority throughout the Kingdom. He recognized the fact that some contribution towards the maintenance of the roads should be made by the proprietors of engines. With respect to the question of whether the Government should not take up the matter and deal with it, he would explain that the debate now proceeding had not been necessary to direct his attention to it—he could assure his hon. and gallant

Friend that he had given this subject a great deal of consideration. He had hoped to introduce a Bill this Session to consolidate the Acts of 1861 and 1865 which dealt with road locomotives, and a measure had been actually prepared for that purpose; but he felt that it was necessary that any Bill dealing with road locomotives should follow another Bill dealing with the highways and establishing a uniform road authority; and as he saw no prospect of such a Bill becoming law this Session he had not introduced it. If there had been a reasonable probability of obtaining sufficient time for a full discussion of the details of the Bill he should be glad to avail himself of his hon. and gallant Friend's aid in legislating on this subject; but considering the period of the Session and the serious omissions from the Bill, he could not think any useful purpose could be served by reading it a second time.

MR. WYKEHAM MARTIN would vote for the second reading of the Bill. Speaking from personal experience, he could say that in the county of Kent traction engines were nearly as common as carriers' carts, and while useful to the agriculturists they did not do any serious injury to the roads. In Warwickshire, with which he was also connected, there were very few of these engines, and their want was greatly felt in those districts where the farmers had few facilities for delivering their produce. There were parts of the country in which thousands of acres of land remained unlet because there were no means of taking the produce to market, and the introduction of locomotive engines on the turnpike roads would tend greatly to the advantage of those places. There were certain points on which regulations would be necessary; but these were points of detail which could be arranged without difficulty. The regulation of the hours during which the engines were to be permitted was an important point; but it would be unreasonable to restrict the rate of speed to four miles an hour.

MR. VERNER feared that the effect of certain clauses would be that the roads would be taken out of the hands of the surveyors and be put under irresponsible persons. If this was intended he greatly objected to it, as he found that the Bill was to be extended to Ire-

land. He felt confident that the roads in the North of Ireland were not such as could be used by traction engines;—from the geological formation of the country, and certain peculiarities in the traffic, the roads would be fearfully cut up. The evidence given before the Committee confirmed this view.

COLONEL BERESFORD opposed the Bill on account of the dangers attending the employment of locomotives on the public highways. Such accidents were of frequent occurrence, and he thought the subject ought to be taken up by the President of the Board of Trade.

MR. MARK STEWART said, he knew very little about the Bill before it was now proposed for the second reading; but, after looking through it, he thought everyone must arrive at the conclusion that the Bill, as it now stood, was most unsatisfactory. He would not oppose the measure if he really did not think it a bad one—but there were so many omissions that he did not see how it could be satisfactorily amended in Committee. In respect of Scotland, he thought that, since the House would probably be engaged to-morrow on a Bill for the abolition of tolls in Scotland, it was very unreasonable to discuss the present Bill so far as it was applicable to that country. He had known considerable damage to be done by traction engines. He drew a very large distinction between the engines which were used for agricultural purposes and those which were used by traders in pursuit of gain, or were used in the construction of public works. Whilst agreeing with the principle that traction engines might be used under proper regulations—and, in fact, were found to be so valuable an adjunct to husbandry that farmers in many districts could not do without them—he maintained that this Bill would be of no practical use.

MR. STORER said, that the Bill had been anxiously looked for by the agricultural classes. It should be remembered that all the objections raised to locomotives had been originally used against railways. The Bill might, perhaps, be improved in Committee, but it ought to be read a second time. The great argument in its favour was that heavy land could not be cultivated without steam, and in many parts of the country where heavy weights had to be

moved, the use of traction engines had become almost indispensable.

MR. LEIGHTON regretted that the Government had not clearly stated the course they intended to take with regard to this Bill. For his own part, he considered the Bill bad in principle, inopportune in time, and one-sided in detail. The question was really a financial one, yet the financial points had been omitted from the discussion. There was no insuperable objection to locomotives being used on common roads if their owners paid a sum towards the repairs adequate to the damage they caused. The Preamble declared that experience proved that the use of locomotives was not injurious to roads. His own experience proved exactly the contrary. He knew a road which formerly cost £23 a-mile, and now, since a locomotive had been placed upon it, was costing £119 a-mile. He knew another road, under similar circumstances, which formerly cost £35 a-mile, and was now costing between £300 and £400. He would not press too far the argument based on the danger of these engines to life and limb, though no one could doubt that they were dangerous. The mode of exacting a proper contribution towards the repairs of the roads from the owners of locomotives was a simple one. There could be no very great difficulty in creating a system of licences to be granted by the road authority, whatever that authority might be. But in the Bill there was no attempt to provide any machinery of that sort. The importance of the whole question was enormously increased by the gradual discontinuance of turnpikes. There was one unanimous opinion expressed from all sides of the House in which he joined, and that was that the Government should without delay legislate on the whole subject of roads in a comprehensive spirit.

MR. WILBRAHAM EGERTON remarked that a Highway Bill had been promised from year to year, but always postponed; and he hoped that in dealing with this measure his right hon. Friend would not make one Bill wait for the other. The time had come for the use of locomotives, and engineers could easily overcome mechanical difficulties.

MR. GREENE approved of the principle of the Bill as a measure of protection, but he thought the subject was one which ought to be taken up by the

Government as a whole, and the use of locomotives on roads be included in general legislation for highways. There was no doubt that these engines injured the roads to some extent. With regard to horses, what frightened them was the sight of things they were not accustomed to, and he would suggest that if the drivers of locomotives were to put in front of the engine two of those grey horses which were to be seen outside harness makers' shops he believed the real horses would be perfectly satisfied. There were other things besides engines which frightened horses—bicycles, for example; and he spoke feelingly on the matter, for his son had sustained a serious injury owing to his horses having been frightened by a bicycle.

COLONEL CHAPLIN said, that in consequence of the statement of his right hon. Friend the President of the Local Government Board he would withdraw the Bill.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL—[BILL 51.]

(*Mr. Sharman Crawford, Mr. R. Smyth,
Mr. Dickson, Mr. D. Taylor.*)

SECOND READING.

Order for Second Reading read.

MR. SHARMAN CRAWFORD, in moving that the Bill be now read a second time, said, that he was not aware of any question which opened up such a wide field for consideration. The Bill had been previously submitted to the House by him, and it was consequently not now necessary to trouble the House again at any length, if it were not that it had undergone some modifications and additions which it would be needful to describe. The Bill now consisted of two parts. The first dealt with the Ulster tenant-right custom. The second part of the Bill, which was not formerly included in it, endeavoured to extend tenant-right to the whole country, and not alone the North of Ireland. He did not intend to advance any new principles of law with regard to the Ulster tenant-right custom. He proposed simply to legalize a right which had existed for a great number of years, and to carry out more effectually what, he believed, was

intended to be done by the 1st clause of the Land Act of 1870. In the Bill, it was taken for granted that tenant-right existed in all holdings in Ulster; and a reference to early records would show that tenant-right was universal in Ulster, and that it was only at intervals that it had been destroyed in particular districts. In order, however, to establish this, there was a difficulty in carrying out the Act of 1870. A tenant had at present a difficulty in establishing his rights in a Court of Law, not because the tenant-right did not exist, but because the onus of proof that it did exist was thrown upon him by the law as it now stood, and because, however much he might be entitled to tenant-right, it might be impossible for him to prove it by evidence which was regarded as admissible or conclusive in a Court of Law. This was more especially the case in regard to the larger and important class of leasehold tenants. It was to obviate this difficulty, and render tenant-right more secure, that the Bill proposed that the onus of proof should be transferred from the tenant to the landlord—that it should be for the latter to prove the land was not subject to tenant-right. Then the Bill provided that a surrender should not destroy the existence of tenant-right. And as there had been many cases in which the rights of tenants had been nominally purchased up, the Bill would provide that no sales should be valid unless it was for a valuable consideration. Then the Bill would give the right of free sale by the tenant of his interest in the land, and that was a provision that had been the most called into question of any of the Bill; but he (Mr. Crawford) held that that privilege was an essential portion of the original Ulster tenant-right, that it was necessary to give security of tenure, and that it was the confidence it had inspired that had made Ulster the most improved part of Ireland. So far the Bill was the same as last year. But, besides that, the Bill contained some provisions applicable to the rest of Ireland. They thought it hard that a mere change of a few pounds on the rental of premises should, as was the case at present, deprive a tenant not only of his tenant-right, but of any claim to compensation under the Land Act. A case in which this had been held showed the necessity of some amendment in the Land Act in order to obviate

the occurrence of similar cases in future. Then, in order to facilitate the settlement of the amount of rent as between landlord and tenant, the Bill contained certain provisions for the amendment of the law. At present when a landlord and tenant differed as to the amount of rent, the only way to bring about a settlement of the question was for the landlord to give the tenant notice to quit. This led to heart-burning and contention, and frequently to legal proceedings. Clauses were, therefore, introduced into the Bill which would enable differences as to rent to be settled without going to law, and without any interruption of the friendly feelings which had subsisted, and which it was desirable should subsist, between landlords and tenants. Then he had tried to extend the Bright clauses of the Act of 1870, which were now the subject of inquiry by a Committee upstairs; and with a view to make them more generally available, he proposed that the amount of public money which might be advanced to the tenants to enable them to purchase their holdings should be raised from two-thirds to three-fourths of the value. He felt that this was a question of the utmost importance. It had excited the greatest attention in Ireland, and its settlement was looked forward to with the greatest anxiety both in the North and South of that country. The *London Standard* had recently expressed its approval of the first and second parts of the hon. and learned Member's (Mr. Butt's) Bill, the former of which proposed to extend the Ulster tenant-right to the whole of Ireland. He (Mr. Crawford) could not give a better description of the purposes of the Bill, the second reading of which he was then moving, than in the words of that paper—

“ Mr. Butt's Bill is divided into three parts, the first of which proposes to enlarge the Ulster custom to the whole of Ireland. Thus, the two first parts of the Bill have for their object the amendment of the Act of 1870. As regards the former object there can be no doubt that sooner or later it will be attained. If the Ulster custom is good for one province it cannot be bad for the other three. And everyone will admit that the intention of the Legislature should not be allowed to be defeated by mere defect of language. It has been ruled, for example, that if a tenant surrenders his holding to obtain a lease he thereby forfeits his right to compensation for improvements. It is certain

that this was not the intention of Parliament, and it is obvious that the ruling must operate against leases, which it ought to be our endeavour to encourage.”

Questions regarding tenant-right might be difficult of discussion by Englishmen who did not know what the Ulster custom was. Nor was it, perhaps, strange that those who were not acquainted with the facts should view with alarm the proposal to give Irish tenants privileges not possessed by English tenants. But it must be recollected that there was a great difference between Irish and English tenants. In England the improvement of the farms was almost always done by the landlords, while in Ireland they were usually done by the tenants. The Irish tenant had, therefore, a right to expect greater security of tenure than the English tenant, and if they were given this security they would be more inclined to invest their capital in the land. There was no better way of giving that security than by establishing tenant-right, coupled with the right of free sale. In no part of Ireland where tenant-right did not exist had there been any great improvement. He did not accuse the landlords of Ireland, as a rule, with being bad landlords. Many of them were good landlords, and the principles of tenant-right were ordinarily observed in the North; but that was not always the case with new landlords, and the consequence was, that while many estates did not now require the application of the present Bill there was no security that it might not be wanted on a change of proprietorship. If they looked back half-a-century they would find that legislation was even then going on as to this question between landlord and tenant, and legislation must still go on till the tenant had obtained such adequate security as was proposed by the Bill. It might be said that there had been no Petitions in its favour. But he could point to meetings supporting it from month to month, and even when meetings had been held to oppose it, it was a curious fact that hardly a word was said against its principles. The interest which Ulster took in this question had been shown at the last Election, and would be shown still more at any future Election. When he proposed this legislation in favour of the Ulster tenant he believed that he was standing on a ~~glorious~~

Mr. Sherman Crawford

form on which the landlord and tenant question might be settled for a long period to come, if not for ever, and that, too, on the best terms. This legislation would, in his opinion, lead to better feeling between landlord and tenant, and give to the latter that security without which no man could be expected to invest his capital in land, and he contended that the Bill was founded on the principles of right and justice; and he was conscientiously convinced that it would do more to settle the question between landlord and tenant in Ireland than any other which could be proposed. As that was his impression, he confidently asked the House to assent to the second reading.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. Sharman Crawford.*)

MR. PLUNKET, in moving that the Bill be read a second time that day three months, said, having so often before resisted various violent proposals as to the Irish Land Question, he appeared before the House again on the subject with great reluctance; but the hon. Member for Down (*Mr. Sharman Crawford*) left him no other course. He deplored the agitation which was kept up on the question, and that the settlement of 1870 was not left to bear fruit. Those who instigated these Bills constantly stirred up ill feelings on the part of tenants by dangling before them hopes of what they never could or ought to get; at the same time, denouncing the great advantages which were conferred on the tenants by the Act of 1870, representing it as a failure and contending that the fundamental principles of that measure should be changed. Then, when the House of Commons, after full debate, felt itself bound to reject these Bills by large majorities, not composed of members of one, but of both sides of the House, still the agitation was continued. Class was set against class, tenant against landlord, and the repudiation of existing laws as land-tenure was carried so far as to weaken the confidence of the people in that House, which it was desirable should be entertained by all subjects of Her Majesty, and especially in Ireland. He did not, however, believe that any feeling of that kind would be successfully stirred up or permanently maintained in Ulster. He believed that

this tenant-right agitation was beginning to break up. Men like his hon. Friend who proposed reforms short of the most violent alterations were being quickly left behind in the race. Even in the North this Bill, with all the violent clauses it contained, was denounced as quite inadequate by the more reckless agitators. He did not deny that the Bill was not so extreme in its principles, or so violent in its proposals as some of those which had been laid before the House by other hon. Members; but if any check had been given to these visionary demands, he traced that circumstance to the fact that they had last year been rejected by large majorities in that House, composed not of one Party exclusively, but, as he had already said, of hon. Members sitting on each side of the House. The Bill of this year was, in its most important aspects, almost identical with that of last year and the year before. It must, therefore, be with the indulgence of the House that he should try their patience by travelling over the same ground. As had been well said by the hon. Member for Down they could not go much into detail without getting out of Order; but many of the details of this Bill were not germane to main principles. Part of the proposal dealt with the Bright clauses of the Irish Land Act of 1870, and those clauses being submitted to the consideration of a Committee upstairs, this was not the time to discuss them; but this he would say in passing, as this was a Tenant Right Bill which must concern Ulster, that every Member from Ulster upon the Committee, or who had supported the appointment of the Committee, was as anxious as any hon. Member who supported the introduction of this measure, that every facility should be given, and by the best machinery that could be devised, for the carrying out of the policy of those clauses in the Act of 1870. In the first place he would refer to the 7th clause in relation to contracts. That clause provided that after the passing of the Act, no contract should be valid for the acquisition by the landlord from the tenant of the tenant-right custom, unless the contract should be in writing, signed by the tenant, and made for a valuable consideration. That clause, so far as it dealt with tenant-right, and so far as he was able to form an opinion of it, he did

not think a mischievous or injurious one. As regarded the general question of tenant-right at the end of a lease, he stated clearly, as far as he was concerned, and he might say the same of every Conservative Member coming from Ulster, they were as desirous as any men could be that the question should be set at rest speedily and finally, and he would take the opportunity of observing that this would now have been done by the law, if it had not been for the hon. Member who introduced the Bill now before the House. He (Mr. Crawford) opposed the Bill brought in last year by the hon. Member for Downpatrick (Mr. Mulholland). That hon. Gentleman was not now present, and he (Mr. Plunket) felt sure every hon. Member deplored the cause of his absence; but in his absence, he would say that the proposal then made had the assent not only of the Members from Ulster, whose names were on the back of the Bill, but of many, if not all, the other Ulster Members. That Bill differed in some comparatively unimportant respects from the corresponding clauses of the Bill now before the House; but it proposed to carry out the principle, and it was opposed by the hon. Member who now urged his Bill in the interest of the tenant-farmers of Ulster. In dealing with the Bill, his Opposition took much the same ground as it did two years since, when the question was fully debated and afterwards voted on by the House. He might be excused, however, if he referred to the circumstances under which the Ulster claims were passed into the Land Act of 1870. Although his hon. Friend did not charge all the Ulster landlords with being bad landlords, and was good enough to grant a few exceptions as not being utterly bad, still he did imply that strong and new legislation was necessary to keep the landlords of Ulster straight. It was right to remind the House of the circumstances under which the clauses of the 1870 Act, as far as regarded Ulster, were passed. [*Cries of "Divide!"*] He was speaking strictly to the Bill, explaining it, and he held it was an important subject, and he should be allowed to proceed. As regarded the clause dealing with the sale of holdings by the tenant, either by auction or contract, he could not imagine anything which would be more detrimental both to the interests of tenants, as well as

landlords, than that a landlord should not be allowed to exercise a control in the selection of a tenant. The clause provided that a landlord must have a "reasonable objection," but how was the reasonable objection to be determined? The landlord might suspect the proposed tenant of being a seditious character, or he might be a drunkard, or there might be many objections sufficiently reasonable to the landlord; but, according to the Bill, unless he was prepared to put down his objections to the man in black and white he had no right to take exception to him. Could such a provision be in the interest of tenants themselves? Had it not been one of the advantages of the Ulster custom that the landlord selected the incoming tenant from the adjoining tenantry, from among those with whom he was accustomed to live in harmony and peace? Clause 6 gave the tenant an absolute right to sell his holding by auction, and that was one of the most monstrous proposals that could be made. In the reasons given for the Bill the hon. Member for Down had only adduced a single case of hardship or abuse under the Ulster custom, and even now at the end of three years he had not mentioned the name.

MR. SHARMAN CRAWFORD: I beg pardon. The names are at the service of the hon. and learned Gentleman.

MR. PLUNKET said, that even though the hon. Member was able to give a few names, he would hardly contend that that would be sufficient justification for such a change in the law as was proposed by the Bill. He had a full recollection of the circumstances under which the Land Act had been passed, and he also remembered the Coercion Acts which were also carried, because they were found to be necessary at that time. There were, he said, circumstances connected with the Administration of that period which rendered the coercion laws that were passed necessary; they had hoped that while those penal measures would have been but temporary, the large concessions of the Land Act would have remained permanent and undisturbed. He rejoiced to think that half this happy forecast was being fast fulfilled, and that coercion and its causes were fading out in Ireland. And now he put it to the House whether it was

Mr. Plunket

wise that they should be constantly agitating this land question? If the tenants of Ireland were to be constantly told that they were oppressed, would there be any likelihood of their settling down in contentment? The tenantry of Ulster were well off as undoubtedly they deserved to be; but their position was grounded on other conditions besides the Land Act of 1870. It was grounded on the good relations existing, and which had for centuries existed, between landlord and tenant in that part of Ireland. He knew that the hon. Member for Down denied that; but he contended that, nevertheless, it was a fact. He hoped the present Government would resist any attempt to alter the spirit of the Act of 1870, and would not allow this Bill to become law. The hon. and learned Gentleman concluded by moving the rejection of the Bill.

MR. GOLDNEY said, that as an English Member he had a right to address the House on this subject. [*Cries of "Order!"*]

MR. SPEAKER asked if the hon. Member proposed to second the Motion.

MR. GOLDNEY said, he did. As an English Member he was entitled to say something. He felt that the Act of 1870 was a fair settlement—[*Loud cries of "Divide!"*] The hon. Member proceeded to address the House, but was quite inaudible owing to the noise.

DR. BRADY: Mr. Speaker, I rise to Order. It appears to me we came here to discuss this Bill fully and perfectly out to the end. This has been done to a large extent by the hon. and learned Gentleman opposite (Mr. Plunket); but now the hon. Member for Chippenham (Mr. Goldney) rises to tide over the few minutes which remain, with the clear object of preventing the division which we all desire to see being taken. [An hon. MEMBER: He is talking it out.] I should like to have your opinion, Sir, on the point.

MR. SPEAKER: The hon. Member for Chippenham (Mr. Goldney) is in possession of the House. He has done nothing that is out of Order.

MR. GOLDNEY continued, when—

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

REPORT OF SELECT COMMITTEE.

Report brought up.

MR. SPEAKER: The Question is, that it be an Instruction to the Select Committee on the Sale of Intoxicating Liquors on Sunday (Ireland) Bill that they have power to introduce provisions into the said Bill to regulate the supervision of refreshment houses in Ireland, and to increase the penalties for the illicit sale of intoxicating liquors in Ireland.

MR. O'SULLIVAN: I oppose the passage of this Motion, Sir. I think that this is rather too important a question to be dismissed in a moment. It deals not only with Sunday closing but with the traffic on the other days of the week. It also deals with the supervision by the police in a manner which would not be tolerated for a second in this country.

SIR WILFRID LAWSON: I rise to Order. If the hon. Member opposes the Motion, I apprehend that will settle it to-day.

MR. SPEAKER: Does the hon. Member oppose the Motion?

MR. O'SULLIVAN: I do, Sir; I object to it being taken now.

MR. SPEAKER said, the Motion would stand adjourned until to-morrow.

SIR WILFRID LAWSON: Sir, with your permission, I should like to make an announcement to the House which the House may feel interested in hearing. In accordance with the advice given me by the noble Marquess (the Marquess of Hartington) the other night I have considered whether I should be justified in giving up Wednesday next, June 27th, in order to make way for the consideration of this Bill, so that its passing may be facilitated this Session. My only object has been to secure facilities for the Bill; and, on consultation with hon. Members on both sides of the House, I find that there is a general impression that the offer of the Chancellor of the Exchequer meets the necessities of the case. I, therefore, accept the offer of the right hon. Gentleman in the spirit in which it was made, and I fully accede to the arrangement he proposed.

TURNPIKE ACTS CONTINUANCE BILL.

On Motion of Mr. SALT, Bill to continue certain Turnpike Acts in Great Britain and to repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 204.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 21st June, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—Prisons* (116).

Second Reading—Local Government Provisional Orders (Bridlington, &c.) * (107); Local Government Board's Provisional Orders Confirmation (Bishop Auckland, &c.) * (93).

Committee—Report—Fisheries (Oysters, Crabs, and Lobsters) * (108).

Report—Oyster and Mussel Fisheries Order Confirmation * (73).

Third Reading—Quarter Sessions (Boroughs) * (99); Tramways Orders Confirmation (Barton, &c.) * [61], and *passed*.

Withdrawn—Married Women's Property Act (1870) Amendment (74).

BURIAL ACTS CONSOLIDATION BILL.

MINISTERIAL STATEMENT.

THE DUKE OF RICHMOND AND GORDON: My Lords, at the close of the discussion on the Burials Bill, last Monday evening, I asked your Lordships to adjourn the further consideration of the Report, in consequence of the result of the division which had just been taken on the Amendment moved by the noble Earl (the Earl of Harrowby). I did so, as I then stated, in order that I might have an opportunity of consulting my Colleagues as to the course which should be adopted with regard to the Bill. My Lords, since that time I have had the opportunity of consulting them. We have given the subject our most deliberate and earnest attention, and we have come to the conclusion that the Amendment of the noble Earl is so opposed to the general scheme of the Bill, and would so entirely disarrange the principle on which it is founded, that it is incumbent on us to withdraw the measure. During the Recess we shall give the whole subject our attentive consideration; but we cannot pro-

ceed with the present measure. We have thought it respectful to your Lordships that, the Government having come to that conclusion, you should have the earliest intimation of it. On Monday next, when the adjourned Order for the reception of the Report comes before the House, I shall move that it be discharged, and I shall then withdraw the Bill.

EARL GRANVILLE: My Lords, I have heard with great regret the statement which the noble Duke has just made to your Lordships. The Burials Bill was not introduced hastily. It was not mentioned in the Queen's Speech, but was introduced on the 13th of March. Since that time the Government have had repeated opportunities of learning the sentiments of the House with regard to the provisions contained in the Bill itself and the Amendments which have been proposed. No doubt the subject will receive the consideration which the noble Duke promises during the Recess, and I venture to express a hope that he will next Session introduce a measure in which regard will be had to the opinion which has been expressed in the strongest possible manner by your Lordships' House. It is, I think, greatly to be regretted that a question which both sides of the House have thought desirable should be settled this Session, should be thrown over to another year, and thus for several months be made a subject of all sorts of hostility between those members of the Church who adhere to the existing state of things, and those other members of the Church who think that it ought to be changed in conformity with the Amendment of the noble Earl, and who are supported in that view by a large body of Nonconformists. I repeat that I think it a matter of very deep regret that the Government have not taken upon themselves, after the opinion expressed by the House, the duty of settling the question during the present Session.

METROPOLITAN STREET IMPROVEMENTS BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."

THE MARQUESS OF LANSDOWNE said, that this Bill had been introduced

by the Metropolitan Board of Works for the purpose of taking the necessary authority for constructing a new street from Bethnal Green to Holborn, by which communication would be completely open to Regent Street; and another new street from Tottenham Court Road to Trafalgar Square. These, no doubt, were very important improvements; but while they were thus improving the metropolis in one direction, they should be careful that they did not inflict injury in another, and he desired to call the attention of their Lordships to the fact that the measure would displace a large number of the working classes from their present dwellings without providing adequate accommodation for them when turned out of the homes which they now occupied. He had had carefully prepared statistics furnished to him on this subject, and those statistics did not at all agree with the figures which had been given by the Metropolitan Board of Works. The statement deposited by the Promoters of the Bill, under Standing Order 38, gave as the number of houses occupied by persons of the labouring classes, and as the number of persons of those classes to be displaced, these statistics:—For West-end improvement—houses, 147; number of persons displaced, 1,753. For Gray's Inn Road improvement—houses, 215; number of persons displaced, 2,166. A house-to-house inquiry, recently made, showed that those figures were altogether inaccurate, and that, in fact, they should stand—For West-end improvement—houses, 446; number of persons displaced, 7,077. For Gray's Inn Road improvement—number of houses, 332; number of persons displaced, 3,781. This showed an error in the statement as to those two improvements of 416 houses and 6,939 persons. And instead of 19 streets being dealt with under the Bill, 38 would be affected. These figures disclosed a grave discrepancy; and showed, in his opinion, that some further inquiry was absolutely necessary. He did not impute to the Metropolitan Board of Works any *mala fides* in connection with their statistics; but he thought it must be evident that some extraordinary blunder had been committed in their preparation.

THE EARL OF CAMPERDOWN pointed out that in the Bill before their Lordships there was no account of the

sum which the ratepayers would have to pay for the improvements to be undertaken.

EARL BEAUCHAMP said, that the account referred to by the noble Earl would be found in a Loan Bill which the Metropolitan Board of Works had at present before the other House of Parliament. No doubt it was a duty incumbent on the Board to see that while they were effecting great improvements in communications of the Metropolis, they did not inflict injury on the persons whom these improvements affected. The statistics deposited with the Bill might not be perfectly accurate, but he thought the Promoters had complied sufficiently with the Standing Order to enable the Secretary of State to see that provision was made for the displaced persons. The Standing Order was framed with the object of securing that no serious injury should be done to the working classes, and for this purpose it made it obligatory on the Promoters to prove to the satisfaction of the Secretary of State that adequate provision was made before any demolition to the extent of 15 houses was undertaken. If, however, the Committee, before which the Bill must go in the ordinary course, should be of opinion that additional provision for the displaced persons was required, the Metropolitan Board would be willing to have it secured by a clause in the Bill itself. He hoped, therefore, that their Lordships would not defer the second reading. He might add, {that a Bill was under consideration for supplementing the provisions of the existing law.

THE EARL OF AIRLIE pointed out that there was a difference between the offering of a site for houses for the labouring classes and providing houses for them. In a case which occurred four or five years ago, the Metropolitan Board appeared to think that they had complied with the Standing Orders by offering a site; but the site up to this moment had not been built upon.

THE BISHOP OF LONDON reminded their Lordships that, unlike the persons opposing an ordinary Private Bill, the persons who would be displaced by this Bill were not in a position to have themselves represented by counsel before the Select Committee on the Bill. And it appeared that no fewer than 250 houses and 2,000 population had been omitted from the statement of the Promoters.

THE EARL OF REDESDALE, while thinking that the Promoters had not very closely adhered to the Standing Order, was of opinion that the displaced persons would be sufficiently protected under that Order.

Motion agreed to; Bill read 2^a accordingly.

MARRIED WOMEN'S PROPERTY ACT
(1870) AMENDMENT BILL.—(No. 74.)

(*The Lord Coleridge.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD COLERIDGE, in moving that the Bill be now read the second time, said, that while the measure dealt with serious and important questions, and proposed serious and important alterations in the existing law, it attempted to make those alterations in accordance with the ancient principles of the law of England, and proceeded on lines already laid down. He did not seek to deny that in some families the measure would materially affect the family relations; but it would do so only in cases in which, if they were individually considered, all would admit that those relations sorely needed alteration. No one suggested that, if the Bill came into operation, it would come into operation in anything like a large number of cases; but the fact that the injustice and wrong which it sought to remove did not extensively exist was no argument against a reform which in some cases was very much required. The Act of 1870 was carried through Parliament from the general sense that existed both in this and the other House of Parliament, that the then existing state of the law worked a great and unmistakeable injustice towards married women. The Act did not leave their Lordships' House in the same state in which it entered it; but much as he regretted the alterations their Lordships had felt it their duty to make in the Bill, he felt, and always had felt, that all interested in the question owed a deep and lasting obligation to his noble and learned Friend on the Woolsack for the improvement in the condition of hundreds and thousands of married women effected by that Act. Experience had now shown that the Act of 1870 was a wise and useful measure;

and he thought the time had now come when Parliament might be safely asked to make further concessions—and chiefly in the direction of the existing Act. That Act contained two sets of kindred clauses. It gave absolute protection for the personal earnings of married women, and absolute protection for property to which married women might succeed in law up to the amount of £200. It contained a number of clauses by which the position of married women was greatly improved, and it afforded other relief under certain conditions; but it declined to say that which was law for the husband in respect of the contract of marriage was law for the wife also. Rights which would be a husband's by the ordinary operation of law, without any action on his part, were granted to a wife by the Act of 1870, only on her having adopted certain conditions precedent. Now, no one who knew what women were—or, indeed, people generally, would be inclined to think that such conditions were in themselves no slight drawback in the privileges conferred by the Act. He said, therefore, that the Act which was passed in 1870 for the protection of the property of married women, and amended by the Act of 1874, was a just and beneficial legislation—it conferred a substantial boon on married women, and was a great improvement on the law, but it did not go far enough. The Bill now before their Lordships, and of which he was now about to move the second reading was, with scarcely the alteration of a single syllable, the same as that which left the Select Committee of the House of Commons in the year 1873—a Committee chosen without the slightest reference of Party, and consisting of eminent persons. He now submitted the Bill to their Lordships in that shape, because, considering the authority of such a Committee, they might safely approve of the principle of the measure without any apprehension of serious opposition arising in the other House. Another reason why he asked their Lordships to pass it, was that he believed the alteration of the law which it proposed, not only was according to sound and just principles, but was in accordance with the ancient law of this country. In old days a great protection was thrown around a married woman in respect of her landed property. It was true that,

by the right of control which the husband had over his wife, he could possess himself of the rents and profits of such property while they lived together; but he could not take the land and alienate it, for the land was not his, but hers: again, the right of dower in the old days, standing not upon contract, but upon ordinary law, had always seemed to him, as a lawyer, to be a most important testimony from those ancient times to the justice of treating the wife as independently securing certain property for herself by right and by law, and not merely by contract, and a testimony also to her capacity of so holding it. In modern times, however, it had come to be held by a fiction of law that the marriage contract operated as an absolute gift, not only of all that the women possessed at the time of her marriage, but of all that she might thereafter become entitled to by inheritance or otherwise; and her right of dower in her husband's real estate might be barred at his pleasure. What this Bill sought to effect was in substance to enact that by the contract of marriage, under the ordinary operation of the law, the property of a married woman should not be taken from her. Of course, it might be made the subject of settlement, as was the case at present; but, by the ordinary operation of law, a woman on contracting marriage would not lose the right in her property. The Bill scarcely differed in a single provision from that which was recommended by the Select Committee of the House of Commons in 1873. Lord Lyndhurst, in a speech delivered on the second reading of the Divorce Bill, pointed out how hardly the law bore against married women, and in his *Life of Lord Lyndhurst*, Lord Campbell approved the opinions he then expressed. The present state of the law he (Lord Coleridge) contended, could not in justice be longer maintained. In its harshest features it was peculiar to this country. Not long ago a lady of high rank and most exalted character, but unknown to him, applied to him (Lord Coleridge) to ascertain whether any redress could be afforded by the law of England in the case of a wife who was living with her husband, who, without doing anything which would have made an application to the Divorce Court likely to be successful, was making her life miserable, was plundering her of all

the property she possessed, and making anything like a decent living or education of their offspring absolutely impossible. He was obliged to tell the lady that as far as he knew, and could understand the case she had laid before him, it was a hard case, but one for which the law of England gave no redress. It grieved him to read the very just remarks contained in a letter he had lately received. His correspondent said—

“Once in my life I took some trouble in persuading a couple to marry and to legalize a union which had lasted for many years. I am sorry to find that the woman who lives unmarried with a man has legal rights and protection which she loses when she marries.”

That showed the unsatisfactory state of the existing law. But there were other cases illustrative of its condition. There was a case in which certainly no one who heard him could have the slightest sympathy with the woman who was the subject of it; but it was a curious illustration of the law as regarded husband and wife in respect of property. It was the case of a woman who married by advertizement. There was a settlement in the case providing, as the woman thought, that her property was to be secured for herself in case of separation. A separation took place not many years after the marriage ceremony was solemnized, and it was then found that by the settlement every farthing of her property passed away from her. Recourse was had to a Court; and the Vice Chancellor, being of opinion that the settlement had not been drawn up in accordance with the intention of the wife, set aside the settlement, and she got her money. Take a stronger case, which was lately brought before the Court of Appeal, where a woman had been carrying on a considerable and successful business, and had saved money. She was carrying on the business at the time of the marriage. She married an old man without a settlement. In three or four months he died, and by the ordinary operation of the law of England, the whole of her property, stock in trade, and money would have absolutely passed to his creditors, as he died insolvent. The Court of Chancery was able to interfere, on the ground that there had been sufficient permission on the part of the husband, after the marriage, to the wife to con-

tinue the business in her own name, and to constitute him a trustee of the wife; and that, therefore, in that particular case, the wife had a right to the business and the stock-in-trade. It might be said these were sensational stories, and that it was unwise to legislate upon such cases. But when such cases were mentioned to him, the first question with himself was, not were these stories sensational, but were they true? If they were true, the state of law under which they took place required amendment. He believed that all the countries of Europe, Turkey not excepted, were before England as regarded the relations of married women to their property. The Continental States had in this matter generally adopted the principles to be found stated in their best form in the well-known Institutes of Justinian. He would not take their Lordships through the Codes of the several nations of Europe in relation to this subject; but he would mention that in Holland, where the control of the husband over his wife's property was greatest, yet the property was hers, not his, and if he mismanaged it, he was held responsible to her through the ordinary tribunals of the country. In the great American Republic, which derived its laws and institutions in a great measure from the parent country, and in some of our Australian Colonies, the law of England, in respect of married women's property, had been widely departed from. He could not do better than read the following extracts from Mr. Russell Gurney's speech on this subject in 1870:—

"We have, however, something better than theory or conjecture to guide us as to the probable effect of the change which I propose. There is, I believe, no civilized country which has adopted the law which has prevailed here. It did, indeed, exist for a time in the United States of America as a part of the English law which the founders of those States carried with them across the Atlantic. But in State after State has it been repealed, and in none have the ill consequences followed which are apprehended by our opponents. . . We had the strongest testimony upon this point from American witnesses. Mr. Dudley Field, of New York, . . . told us that 'scarcely any one of the great reforms which have been effected in this State has given more entire satisfaction than this. Mr. Fisher, from Vermont, said—'I do not believe that I have ever seen an individual in the State who wanted to go back to the old law.' Mr. Washburne, a Professor of Law at Harvard University, said—'I regarded the first inroad upon the

Common Law with apprehension that it would cause angry and unkind feeling in families. I am so far convinced of the contrary, that I would not be one to restore that Common Law if I could.' The law has been changed, too, among our own fellow-countrymen in Canada, and Mr. Rose, the Canadian Minister, states—'I have not heard any desire on the part of either men or women to return to the old law.'"
—[3 *Hansard*, cci. 885.]

He (Lord Coleridge) was supported also in the change which he proposed by high authority on this side of the Atlantic. Some years ago a Commission was appointed to prepare a Code for India. He found in their Report the following recommendation:—

"It has been necessary for us in one or two cases to introduce provisions affecting rights as between living persons. We propose that a man shall not, through the mere operation of law, acquire by marriage any interest in his wife's property during her life; but that she shall continue to possess the same rights with reference to it as if she were unmarried, and shall have full power to dispose of it by will."

That recommendation was signed by Lord Romilly, Sir William Erle, Sir Edward Ryan, Mr. Lowe, and Mr. Justice Willes, and it now formed part of the Code of India. There was only one other authority to which he would refer, and that, all their Lordships would admit, was the highest possible, it being the opinion of the noble and learned Lord on the Woolsack. The Lord Chancellor, in the course of the debate on the second reading of the Married Women's Property Bill, in the House of Lords, on the 21st of June, 1870, said—

"Our law differed in this respect from that of most other countries. In all Continental countries, to a greater or less extent, laws had been adopted more favourable to married women; and if we looked to those great communities across the Atlantic that had sprung from ourselves—the United States and Canada—it would be found that they had abrogated our Common Law in this matter, and had adopted legislation similar to, or in the direction of, the present Bill. . . . The third, and only remaining course, was that proposed by the Bill—namely, to alter the general rule of law; to leave settlements to be made where advisable, but in other cases to make the property of the married woman her own until she chose to part with it. If she pleased she might make a gift of it to her husband."—[3 *Hansard*, ccii. 601-2.]

It was upon these authorities and in this state of the law that he asked their Lordships to make the change proposed in his Bill, which he believed would be perfectly just and safe. He believed that the experience of other countries

Lord Coleridge

entirely disproved the reality of the dangers which many people were, in argument at all events, apt to assume would follow this alteration in the law. Was it true that the domestic happiness and purity of this country were so superior to the happiness and purity of other countries? That was a question which every one must answer according to his own feeling and judgment; but if it were true, it was certainly not because of the English law which enabled English husbands to rob English wives of their property. The English Law of Settlement and the existence of the Court of Chancery itself were a standing protest against the system of the law as it now stood. There was not one of their Lordships who would, on the marriage of his daughter, leave her unprotected, and to the tender mercies of the English Common Law. If that was so in their own case, why did they hesitate to apply the same principle to all? On the whole, he trusted that their Lordships would assent to his Motion that the Bill be read a second time.

Moved, "That the Bill be now read 2^a."
(*The Lord Coleridge.*)

THE LORD CHANCELLOR said, he would state, as briefly as he could, the reasons why he hoped that their Lordships would not give the Bill a second reading. If his noble and learned Friend who had moved the second reading had considered with a little more care the history of what had taken place in that House in 1870, he thought he would have hesitated before he asked their Lordships to accept principles which they had deliberately rejected at that time. When the measure of 1870 came up to their Lordships' House from the other House of Parliament, it contained substantially the same provisions they were asked to approve in the Bill now before the House; but having himself taken charge of the conduct of that measure, he had been obliged to tell the House that the clauses embodying the principles of those provisions would require complete re-modelling in Committee. Those principles were, on the second reading, strongly disapproved of by Lord Westbury, by Lord Penzance, by Lord Romilly, by the Duke of Cleveland, and in the great part by Lord Shaftesbury, who grounded their objections on the fact that the measure would

effect a complete revolution in the institutions of society. Accordingly he (the Lord Chancellor) undertook to so amend the Bill in Committee as to get rid of these objectionable clauses. The Bill went to a Select Committee; and when it came back to the House scarcely a clause remained as when it went up to that Committee. He recollected perfectly well that Lord Shaftesbury, who, on the second reading, had strongly objected to the Bill on the ground that it revolutionized the institutions of society, expressed his gratification at the work of the Committee. That Committee, one of the strongest which ever sat in their Lordships' House, had the whole matter before them. They considered all the arguments and the authorities which had been advanced by his noble and learned Friend, and yet they came to the conclusion to reject all the clauses having the same bearing as those in the Bill now before them. What reason could be shown for re-opening the question now? The circular of the Married Women's Property Protection Association, which advocated the passing of the present Bill, assigned no reason for the alteration of the law which it proposed, and there was the same defect in the Petitions that had been presented to the House in its favour. He wished to ask the attention of their Lordships to what took place on the discussion of the Married Women's Property Bill in their Lordships' House on the 21st of June, 1870. On that occasion Lord Penzance, whose experience as a Judge of the Divorce Court, rendered his views on the subject very valuable, said—

"The Bill would give a married woman the same rights of possessing and dealing with property, and of contracting obligations with third persons, that an unmarried woman enjoyed; while it nevertheless left untouched her status as a married woman. If left untouched her right to be maintained by her husband; she would be able to spend her property anyhow she liked, without any obligation of contributing to the expenses of the household; and when it was dissipated she would be entitled to the support of her husband and to pledge his credit for necessities. As a question of abstract justice this position could not be maintained. The Bill also provided in the most sweeping manner that a married woman might sue and be sued precisely in the same manner as a *feme sole*—so that there was nothing to prevent her bringing an action even against her husband, founded upon any matter of contract which she might choose to allege. Litigation under any circumstances was thought to have sufficient asperity about it to make people uncomfortable enough; but it was

difficult to conceive the relations of a man and wife, plaintiff and defendant in an action, sitting down to breakfast together, passing the day together, consulting their respective attorneys, and then dining together. A married woman, moreover, being at full liberty to contract with the outer world, might carry on any trade she pleased without her husband's consent, so that a man might be startled by the information that his wife had determined to set up a rival shop in his neighbourhood—which at present was prevented by her inability to contract; and, since she would be quite competent to take a partner, he might be still more startled at hearing that she had entered into partnership with her cousin, who need not be a woman. A husband who expected his wife to keep his home and attend to the children might find her opening a Berlin wool shop with her cousin John as a partner. Surely this was an unnecessary corollary to the protection of women's earnings from idle and dissolute husbands?"—[3 *Hansard*, ccii. 603-4.]

His noble and learned Friend (Lord Coleridge) had referred to what he chose to regard as the fortunate results which had followed in the United States upon an alteration of the law such as he seemed to desire in this country. But some evidence was given in reference to this point which was not unimportant. The following piece of evidence was quoted in *Hansard* with regard to this particular point. Mr. Cyrus Martin Fisher was called as a witness, and in the course of his evidence, as reported, the following passage occurred:—

" 'Should a wife having property contribute towards the family expenses?'—'It is contrary to the American idea (and so says Mr. Cyrus Field) that any part of the wife's fortune should be used to contribute towards the support of the family. A man ought to be, and is, considered clever enough to be at least able to support his family without calling upon his wife.' "—[*Ibid.* 611.]

Again, Question 536—

" 'You have said that the responsibility of the payment of household debts lies chiefly on the husband. Suppose the wife, instead of contributing to the establishment, squandered all her money away, would the whole of the responsibility in such a case rest on the husband?' A.—'Certainly, to the extent of all his property. She might squander her fortune just as quickly as she saw fit.' Q.—'She could have no responsibility whatever?' A.—'Not the slightest, so long as his property was in existence.' Q.—'Suppose she chose to squander her money on some other individual, would that make any difference?' A.—'It might create certain unpleasantness in the family, and the tradesmen might require them, when they wanted anything, to pay for it at the time.' Mr. Cyrus Field said the same—'Whatever the distress of the husband, the wife is not legally bound to relieve him.' "—[*Ibid.* 611-12.]

The Lord Chancellor

On all these grounds he objected to the Bill, and also on the ground that the present law entailed no hardship, inasmuch as it left the husband and wife free to contract with each other as to the deposition of their property. He trusted their Lordships would not let it be thought out-of-doors that after all that had passed they were going to re-open this question again. It was settled seven years ago that married women were not to be unmarried so far as their property was concerned, and that they were yet to retain the marriage tie in other respects. The Act of 1870 had worked admirably, and, moreover, it remedied every grievance upon which any person could put his finger. On every ground he hoped their Lordships would refuse a second reading to the measure. He therefore moved that the second reading be deferred for three months.

Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months.")

LORD SELBORNE admitted that there were several points in reference to which the existing law required revision and amendment; but the matter was one involving so much of detail and requiring so large an amount of consideration and discussion that he did not think the present was an opportune moment for dealing with it. He thought that after the statement of the noble and learned Lord on the Woolsack his noble and learned Friend could not expect to induce their Lordships to deal with the subject—in this Session, at least—and therefore he hoped he would not press the second reading to a division.

LORD STANLEY OF ALDERLEY said, he would advert to one point in the noble and learned Lord's speech in introducing this Bill. The noble and learned Lord, in holding up the legislation on this point of the rest of Europe as superior to that of England, said that it was derived from the Institutes of Justinian in the Lower Empire; now, the noble and learned Lord would remember that, at that time, men thought like his friend the lady he had referred to, that it was better for people to live together without being married, and if the Roman Empire had lasted longer the Roman Government would have had

to give men a bounty to marry. The noble and learned Lord also said that he would not take their Lordships through the Codes of Europe, and he did well not to do so; for he had seen in Portugal the scandal of a woman making her husband who had squandered his money, what was there called a "prodigal," that was to say, making it impossible for him to obtain credit, and incapacitating him for civil rights. He hoped their Lordships would object to the second reading of this Bill.

LORD COLERIDGE said, that after the discussion that had taken place, he would not put their Lordships to the trouble of dividing.

Amendment, original Motion, and Bill (by leave of the House) *withdrawn*.

INDIA—ESTATE OF GENERAL SOMBRE. QUESTION.

THE EARL OF DENBIGH inquired of the Secretary of State for India, If he will give facilities to the authorized agent of the legal representatives of the late General Sombre to inspect certain documents believed to be now at Agra, which were taken possession of by the East Indian Government on the death of the Begum Sombre in 1836, as appears by a paper intituled "East India Badshapore Case," and ordered by the House of Commons to be printed on the 3rd of July, 1865?

THE MARQUESS OF SALISBURY said, he had made inquiries at the India Office, and found that the Papers referred to by his noble Friend were unknown there. No information respecting them could be obtained, and they had no means of ascertaining whether any such Papers existed. All he could do in the matter was to promise that inquiry should be made of the Government in India on the subject, and that any information that was obtained should be communicated to his noble Friend.

House adjourned at a quarter past
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 21st June, 1877.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Sheriff Courts (Scotland) * [209]; General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) * [211]; General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) * [210]; Post Office Money Orders * [212].

First Reading—City of London Improvement Provisional Order Confirmation (Golden Lane, &c.) * [205]; Metropolis Improvement Provisional Orders Confirmation * [206]; Greenock Improvement Provisional Order Confirmation * [207]; General Police and Improvement (Scotland) Provisional Order Confirmation (Dumbarton) * [208], and *referred* to the Examiners.

Second Reading—Royal Irish Constabulary * [203]; Provisional Orders (Ireland) Confirmation (Artizans and Labourers Dwellings) * [201]; Provisional Orders (Ireland) Confirmation (Ennis, &c.) * [202].

Committee—Public Works Loans (Ireland) [139]—R.P.

Considered as amended—Elementary Education Provisional Order Confirmation (London) * [179].

Third Reading—Marriages Legalization, Saint Peter's Almondsbury * [197]; Gas and Water Orders Confirmation (Brotton, &c.) * [191]; Elementary Education Provisional Orders Confirmation (Cardiff, &c.) * [178], and *passed*.

QUESTIONS.

RECORDER OF DUBLIN—OFFICE OF REGISTRAR.—QUESTION.

MR. ERRINGTON asked Mr. Attorney General for Ireland, Whether any one has been appointed to fill the office of Registrar to the Recorder of Dublin, rendered vacant by the death of Mr. Hugh Irwin, or to do the duties and receive the fees of the office; and, if so, perhaps he would inform the House, under what statute and by whom the appointment has been made?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON), in reply, said, the Recorder of Dublin had appointed Mr. M'Gusty, a practising solicitor of great respectability in Dublin; but, having regard to pending legislation, it had been stipulated that there should be no claim for compensation, consequent on the abolition or changes made in the duties of the office.

METROPOLIS—ST. MARGARET'S
CHURCH.—QUESTION.

SIR GEORGE BOWYER asked the First Commissioner of Works, Whether the Government will take any steps to preserve, or contribute to the expense of preserving, the valuable historical stained glass window in St. Margaret's Church, which is the Church of the House of Commons? In explanation of his Question, the hon. and learned Member read the following extract from a letter on the subject written by Canon Farrer:—

“The east window of St. Margaret's Church was originally intended by the magistrates of Dort as a present to Henry VII. for the marriage of his son Prince Arthur to Catherine of Arragon, and it was meant for Henry VII.'s Chapel, but before it arrived the King died. The window fell into the hands of Abbot Waltham, who kept it till the dissolution of the monasteries. Fuller, the last Abbot, sent it to New Hall, Essex, and it was bought by Villiers, Duke of Buckingham, whose son sold it to General Monk, who buried it to preserve it from the Puritans. It was afterwards bought for 1,000 guineas for St. Margaret's Church. It contains portraits of Prince Arthur and Catherine. I had it examined by Messrs. Clayton and Bell, who reported that no modern artist can restore it, and that the only thing that can be done to preserve it from decay is to encase it on both sides with plate glass, and that this would cost at least £200.”

MR. GERARD NOEL: I heard with interest the letter just now read by my hon. and learned Friend the Member for the county of Wexford. I quite concur with him as to the importance of preserving the valuable historical window in St. Margaret's Church; but perhaps he is not aware that the Government have already given £1,500 towards the restoration of the church, as appeared in the Estimates of this year, and I fear there is no fund from which an additional contribution can be made; but I have no doubt, now that the attention of the public has been called to the matter by my hon. and learned Friend, that subscriptions will soon fall in and swell the contribution given by the Government, so that this historical old window may be taken down, properly replaced, and for the future protected from injury.

CRIMINAL LAW — “THE PRIEST IN
ABSOLUTION.”—QUESTIONS.

MR. J. COWEN asked the Secretary of State for the Home Department, If

his attention has been directed to a book recently published, entitled “The Priest in Absolution;” if he is aware that the book is substantially the same as one for the circulation of which a lecturer against auricular confession was not long ago imprisoned; if he is aware that “The Priest in Absolution” is printed with the sanction and for the use of the “Master, Vicars, and Brethren of the Society of the Holy Cross,” of which there are 700 members, chiefly clergymen of the Church of England; and, if he is prepared to take steps to test the legality of the publication?

MR. FORSYTH asked Mr. Attorney General, Whether his attention has been directed to the distribution of a book called “The Priest in Absolution” by certain clergymen of the Church of England; and, whether he has considered the propriety of instituting a prosecution, following the example of the prosecution now pending against the publishers of a book called “the Fruits of Philosophy?”

THE ATTORNEY GENERAL: At the request of my right hon. Friend the Secretary of State for the Home Department I rise to answer the Question of the hon. Member for Newcastle, and if I may be permitted to do so, I will at the same time reply to the Question of which my hon. and learned Friend the Member for Marylebone has given Notice. My attention has been called by the Questions of the hon. Members, and by a discussion in “another place,” to the work called *The Priest in Absolution*; but I have no special means of obtaining information on the subject, nor am I aware whether the alleged facts with reference to the work as to which my right hon. Friend has been interrogated by the hon. Member for Newcastle can be substantiated or not. With respect to the work called *Fruits of Philosophy*, mentioned by the hon. and learned Member for Marylebone, I beg to state that the Government have had nothing whatever to do with the prosecution which was instituted against the publishers of that book. As to the propriety of instituting a prosecution in the case of *The Priest in Absolution*, in my opinion it is no part of the duty of the Government to act as censors of the public morals, and to prosecute the publishers of every book which in their judgment is objectionable; and with

regard to the work in question, there is this reason why no proceedings should be taken—namely, that it has not, as I understand, been circulated among the laity, but only placed in the hands of certain clergymen. If the work were circulated among the people, in my opinion those who caused it to be so circulated ought to be, and would be liable to be, proceeded against for the publication of an obscene and disgusting book.

LAW AND JUSTICE—THE ASSIZES.

QUESTION.

SIR WALTER B. BARTTELOT asked the Secretary of State for the Home Department, If his attention has been called to the fact that the Assizes throughout England have been fixed a fortnight earlier than usual; that this will have the effect of clashing with the Quarter Sessions which must be held on a certain week as fixed by Act of Parliament; that in several counties the Quarter Sessions will have to be adjourned, the courts being occupied by the Judges and the Bar, and that many officers of the county will necessarily be in attendance at the Assizes; and, whether he can give any hopes that this inconvenient state of things will be altered in the future, particularly as it is presumed a gaol delivery will be made at the Assizes whatever the nature of the offences may be?

MR. ASSHETON CROSS: I am aware of all the inconveniences pointed out in the Question of my hon. and gallant Friend, and I have been in communication with the Lord Chancellor on the matter. He is at the present moment consulting the Judges about it; and if my hon. Friend will ask the Question again on Monday or Tuesday, I hope by that time to be able to answer it.

NAVY—H.M.S. "ALEXANDRA"—ALLEGED INSUBORDINATION.

QUESTION.

MR. P. A. TAYLOR asked the First Lord of the Admiralty, Whether he has any Reports from the Commander in Chief of the Mediterranean Fleet giving particulars of the insubordination lately evinced by the crew of the "Alexandra;" and, if so, whether he will pro-

duce them for the information of the House?

MR. A. F. EGERTON, in reply, said, the only Report the Admiralty had received from the Commander-in-Chief of the Mediterranean Fleet respecting the insubordination of the crew of the *Alexandra* was contained in a Report the substance of which he gave in answer to a Question some days ago. If the hon. Gentleman wished to have that Report *in extenso*, and would move for it, there would be no objection whatever to laying it upon the Table.

TURKEY—THE BRITISH AMBASSADOR AT THE PORTE.—QUESTION.

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, If the Foreign Office will ascertain from Her Majesty's Ambassador at Constantinople, whether there is any foundation for the statement contained in a letter published in the "Times" of June 15, and alleged to be written by a person of rank in the Turkish capital, dated "Constantinople, May 29, 1877," in which, after detailing the representations made to the Sultan by his brother Nourredeen Effendi, as to the negligence of the Sultan's Ministers in conducting the war, the writer asserts that—

"The next day your Ambassador, Mr. Layard, went to the Sultan and spoke much in the same sense, mentioning, too, the fleet remaining at anchor, and Hobart Pasha being here. His Majesty appeared astonished at learning that the Admiral was still here, and said he thought he was gone long since. He immediately called his Aide-de-Camp, Mehemet Pasha, and sent him with orders that the Admiral should take the fleet at once to sea?"

MR. BOURKE, in reply, said, the Secretary of State for Foreign Affairs did not think there was any necessity for making the letter in question the subject of a special communication to Mr. Layard.

ARMY EXAMINATIONS.—QUESTION.

MR. J. G. TALBOT asked the Secretary of State for War, Whether it is proposed to continue the present system of examinations of candidates for first appointments in the Army, lasting over fourteen days; and, whether it would not be possible, as at the Universities, to test the qualifications of candidates in a shorter examination?

MR. GATHORNE HARDY: The Civil Service Commissioners (who have the entire management of these examinations) report that—

“The time occupied by these examinations is necessarily lengthened because the candidates are allowed to choose from a considerable number of subjects.”

The Civil Service Commissioners do not think that the competitive part of the examination could be fairly carried out in a shorter time. The whole examination might, however, be shortened by two days if the preliminary examination, which now immediately precedes the competitive one, and occupies that time, was held at a separate date. A change has been introduced this year by which preliminary examinations have been held in April and May, in anticipation of the examinations in July. This change has worked successfully; and, in the opinion of the Civil Service Commissioners, will make it unnecessary that any preliminary examinations should be held immediately preceding the competitive one.

INDIA—ARMY MEDICAL SERVICE.

QUESTION.

SIR COLMAN O'LOGHLEN (for Mr. STACPOOLE) asked the Under Secretary of State for India, If he would explain why the examination of medical officers for promotion to the rank of Surgeon-Major (which has been discontinued in the British Army) is retained in the Indian Army; and, whether such examination is likely to be abolished as unnecessary?

LORD GEORGE HAMILTON: The discontinuance of the examination of medical officers for promotion to the rank of Surgeon-Major in the British Army was coincident with an entire alteration in the constitution of that service, whereby the greater number of those officers will not be eligible for promotion at all, as their term of service is to be only 10 years in all, whereas 12 years' service are required to qualify for promotion to the rank of Surgeon-Major. No such change has been made in the Indian Service, and the grounds whereon the system was originally adopted as desirable in the British service still hold good there. The point has, however, been brought to the notice of the Secretary of State by the Government of

India; but, as a Report on the general question of the organization of the entire Indian Medical Service is shortly expected from India, it was determined to await that Report before coming to any decision on this individual point.

SLAVE TRADE IN THE RED SEA.

QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If he has intelligence of H.M.S. “Rifleman” having captured slaves on board two British steamers in the Red Sea, called the “Koina” and the “Rokeby;” what are the circumstances under which it happened; and, whether any or what punishment can be awarded to captains or owners of ships so sullyng the British Flag?

MR. A. F. EGERTON: In answer to the hon. Gentleman, I beg to inform him that on the 13th of March Commander Clayton, of Her Majesty's ship *Rifleman*, searched the British steamer *Rokeby*, and found eight slaves on board, who were handed over to the resident police. The same officer subsequently searched the British steamer *Koina*, and 12 slaves who were on board were released. In neither case did Commander Clayton find sufficient evidence to bring the ships into the Consular Court, or to prosecute the owners or commanders. The Reports which have reached the Admiralty on these occurrences have been forwarded to the Foreign Office, and will be laid upon the Table of the House by that Department. The question as to what punishment can be awarded to captains and owners of British ships so sullyng the British flag should, I think, be addressed to the Law Officers of the Crown.

ARMY—AUXILIARY FORCES—HAMPSHIRE MOUNTED RIFLE VOLUNTEER CORPS.—QUESTION.

MR. CARPENTER GARNIER asked the Secretary of State for War, Whether, considering the difficulty experienced in finding an officer to command the Hampshire Mounted Rifle Volunteer Corps in succession to Lieutenant Colonel Bower, resigned, he will submit to Her Majesty that that officer's resignation be cancelled, in accordance with the recommendation of the officer in temporary

command of the corps and the unanimous wish of its members, as the most probable means of preventing the disbandment of the corps for want of numbers?

MR. GATHORNE HARDY: The establishment of the corps is, maximum 60, minimum 36. Its numbers have been as follow:—In 1873, 38 enrolled, 24 efficient; in 1874, 34 enrolled, 21 efficient; in 1875, 34 enrolled, 23 efficient; in 1876, 32 enrolled, 20 efficient. Colonel Bower is 67 years of age, and although fully recognizing his zeal and interest for his late corps, I do not think it advisable to depart from the rule not to appoint officers over 60, or to create a precedent by submitting to Her Majesty that an officer's resignation be cancelled for the mere purpose of endeavouring to maintain a corps of Mounted Rifle Volunteers.

POST OFFICE, WATERFORD.

QUESTION.

MAJOR O'GORMAN asked the Postmaster General, Whether he will be pleased to issue orders for the delivery, on the day of arrival, by the letter carriers of Waterford city, of all letters, &c. received daily in Waterford at 2.45 o'clock p.m. and which, by present regulation, are not delivered by the carriers in question till the day succeeding their arrival?

LORD JOHN MANNERS, in reply, said, that after the 2 o'clock delivery at Waterford, letters, averaging only about 70 a-day, were received from six places. He did not think that the people of Waterford would like the delivery to be postponed till those letters were received, but he would make careful inquiry as to the expediency of having another delivery.

THE CUSTOMS DEPARTMENT—RE-ORGANIZATION.—QUESTION.

MR. RICHARD SMYTH asked the Secretary to the Treasury, Whether he can state to the House what progress has been made in carrying out the recommendations of the "Playfair Commission" in the case of the In-door Officers of Her Majesty's Customs?

MR. W. H. SMITH, in reply, was sorry to say that no great progress had been made in carrying out the recom-

mendations of the Commission. A memorial from the clerks of the Customs had been received, and had been reported on by the Commissioners of Customs; but the re-organization of great public Departments involved a large amount of labour, and gave rise to questions of considerable difficulty. There were other Departments, moreover, which had stronger claims for prior consideration.

NAVY—THE ARCTIC EXPEDITION.

QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether Captain Nares has been called upon to give his reasons for his non-compliance with the following extract of his sailing orders:—

"14. It is expected that you will have at least six strong sledge parties and four dog sledges with which to commence further exploration in early spring. All these parties should be employed in the first instance to push out the North Pole party (which should be provided with at least one boat), and upon return from this work some weeks later, the parties for the exploration of the coast-lines should be sent out;"

whether he has explained his reasons for despatching the greater part of his men upon the secondary object of "East and West Coast Lines Survey," and reducing the Polar party to three sledges with two boats, and only two sledge crews to drag them, instead of concentrating all his strength on an effort to reach the highest latitude in accordance with his instructions; whether Captain Markham reported that

"He was convinced, at the very commencement of the journey from Cape Joseph Henry, that the journey must of necessity be of the shortest even under the most favourable circumstances, as fifteen men had to drag three sledges and two boats, total weight 5,100 lbs. which to move one mile would necessitate five miles walking and dragging,—in other words, it could not be expected under any circumstances, even with smooth ice, to make good more than two miles a day; that is, altogether, with everything in their favour, not more than 80 miles from the land, and still 350 miles from the Pole;"

whether Captain Nares has explained his reasons for remaining on board his ship, and why he did not place himself at the head of the Polar Sledge Party, he being the only officer in the Expedition with any experience in sledge travelling, to guide them; whether he has inquired why, at the latter end of August 1876, instead of returning,

Captain Nares did not make another attempt to reach the Pole, there being a strong fair wind, and every prospect that the ice had taken off shore sufficiently to enable him to round Cape Britannia; and, whether the Expedition returned in consequence of the outbreak of scurvy?

MR. A. F. EGERTON: I think the best answer I can give to the hon. and gallant Member, without trespassing upon the patience of the House, is to tell him that all the communications which have been addressed by the Admiralty to Sir George Nares relating to his conduct whilst in command of the Arctic Expedition have been laid on the Table of the House, and I must refer the hon. and gallant Gentleman to those Papers for the opinion of the Board upon that officer's proceedings.

POST OFFICE—FEMALE TELEGRAPH CLERKS.—QUESTION.

DR. CAMERON asked the Postmaster General, Whether there is any foundation for a report which is current in telegraphic circles that it is the intention of the Post Office gradually to discontinue the employment of female telegraph clerks?

LORD JOHN MANNERS: In reply to the hon. Member, I beg to say that I attach very great value to the employment of female labour in the Telegraph Department, and, therefore, I have no intention whatever to discontinue it. I may be allowed to explain that in consequence of the inexpediency, to say the least, of employing female labour in the Central Telegraph Department in London at night, it has been found that the stress of work upon the male staff has become excessive, and, therefore, it has been found necessary to reduce to some extent the proportion of female labour in order to augment that of male labour. As soon as the proportions of male and female labour have been placed upon a footing which may be expected to prove a permanent basis, the introduction of female labour into the service will be immediately resumed.

THAMES RIVER (PREVENTION OF FLOODS) BILL.—QUESTION.

SIR CHARLES W. DILKE asked the Chairman of the Metropolitan Board

Captain Pim

of Works, On what day he proposed to proceed with the Thames River (Prevention of Floods) Bill?

SIR JAMES M'GAREL-HOGG, in reply, said, that the best answer he could give the hon. Baronet was to read a resolution adopted by the Metropolitan Board of Works on this subject. That resolution was to the effect that the Bill had been rendered so essentially different from that which had been presented to the House by the resolution of the Select Committee, that in their opinion the expenses under it should be paid out of a rate to be levied over the whole Metropolitan area, that the Board did not feel justified in proceeding further with it during the present Session.

MAGISTRACY (IRELAND)—MR. ANKETELL.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If, since the Lord Chancellor of Ireland had under his consideration the conduct of Mr. W. Anketell, J.P. and D.L. of county Monaghan, in cutting the throats of certain dogs in Emyvale, his Lordship has taken any notice of the newspaper reports of the trial of Hawkes v. Anketell, in the Queen's Bench, Dublin, on the 14th inst.; and, whether, in view of the evidence brought forth on that trial, his Lordship still considers that gentleman worthy to retain the Commission of the Peace, and to act as a magistrate in Ireland?

SIR MICHAEL HICKS-BEACH, in reply, said, that the Lord Chancellor of Ireland, having read an account of the transaction in the newspapers, addressed a letter to Mr. Anketell, requiring an explanation, but had not as yet received an answer.

ORDERS OF THE DAY.



INDIA—EAST INDIA LOAN—THE FINANCIAL STATEMENT.

COMMITTEE.

Order for Committee read.

LORD GEORGE HAMILTON rose, pursuant to Notice, to make the Indian Financial Statement. He said, that within the last four years there had been two famines in India, which had operated

with great severity, and the Indian Government in dealing with them had acted upon principles which only three years ago had obtained the unanimous approval of that House. In carrying out that policy, however, it had been obliged to incur an expenditure which the Indian money market was unable to meet. He felt himself, therefore, most reluctantly called upon to ask the House to grant them certain borrowing powers by which to raise a portion of the sum, the expenditure of which could alone avert a frightful mortality. Now, he felt that in asking for those powers it was only right the House should be placed in full possession of the present position of Indian finance, for nothing could be more unfair than that under cover of an appeal to humanity an intolerable burden should be placed on the revenues of India. He was glad the opportunity presented itself for making some such statement, because during the last few months a great deal of attention had been directed to Indian finance and many alarming opinions on the subject expressed. There seemed to be in some quarters a strong impression that the ordinary revenue had been insufficient to meet the ordinary expenditure; that the Indian Government had to borrow to meet every contingency; that it was annually spending large sums in the construction of works which could never be remunerative; and that therefore its insolvency was a mere question of time. Those views, though quite erroneous, were, he must admit, to a certain extent fostered by the necessary complication of Indian accounts, and he might, perhaps, mention, by way of answer to those hon. Members who were disposed to find fault with those accounts, some few of the difficulties with which the Indian Government had to contend and from which the English Treasury was wholly free. The Indian Government, it should be borne in mind, was one which not merely carried on the administration of a Continent, but which performed many of the duties which in England devolved on local authorities, and other functions which here were discharged by private bodies and by companies. Not only had they to meet the whole cost of the administration of the country, but also to find the funds for the relief of destitution caused by scarcity or famine, and to supply the means by

which remunerative public works were constructed, which in this country were carried out by private enterprise. They were, in addition, bankers to the guaranteed railway companies and to certain Service Funds, which involved them in numerous transactions which were further complicated by there being two Treasuries, one in England and the other in India, the Treasury in England making payments in gold, while that in India made them in silver. The result being that, as the relative value of those two metals was constantly fluctuating, it was impossible by any prudence or foresight to prevent unforeseen losses, and extremely difficult to make an accurate comparison between different years. Famine was another disturbing element, for it not only increased expenditure, but curtailed the revenue. He hoped the House would be kind enough to make some allowance for the undoubted difficulties with which the Indian Government had to contend when they placed, either by accounts or statements, the past and present condition of Indian finance before Parliament for criticism and approval. There were three separate classes of expenditure which ought to be kept distinct—first, the ordinary expenditure connected with the administration of the country; second, the famine expenditure, which was incurred to save life, and both of which were unproductive. The third class was of an entirely different character, and was at present known as the public works extraordinary expenditure, which was a particular description of investment for the purpose of developing the material resources of India. Now, he desired at the outset of his statement to make two propositions. He should, he believed, be able to prove that the ordinary revenue was more than sufficient to meet the ordinary expenditure; and, secondly, that as regarded the public works extraordinary expenditure, a two-fold process was going on, the annual loss on those works was annually diminishing, while the mileage on railways and the area of irrigation were annually increasing. He could not at the same time deny that Indian finance was liable to dangers from which we in this country were happily free. That must, however, necessarily be the case. We had established in India an European administration, supported by an Asiatic

revenue, and there were two dangers against which we had to contend—the curtailment of revenue and a certain expansion of expenditure from which the European financial system was in a great measure exempt. Now, the three years which came under notice on the present occasion were the years 1875-6, 1876-7, and 1877-8. It was necessary to make the comparison between three years, and the House would perhaps be kind enough to bear in mind that the whole of the figures relating to 1875-6 were those of the actual account, while those relating to 1876-7 embraced only eight months of actual account and four months of estimate, those of 1877-8 being entirely composed of estimates. He would now notice an alteration made this year in the accounts. In 1871 Lord Mayo introduced a decentralization scheme by which certain receipts were handed over to the local Governments, while a certain amount of expenditure was also placed upon them, and those sums had since 1871 been excluded from the annual accounts presented to Parliament. It was now proposed to further extend this system, and as a preliminary to such a development of decentralization, it became necessary to bring back the sums excluded into the accounts. An increase of about £1,000,000 was thus effected on both sides. He would now give the amounts for the three years he had named, not in rupees, but in pounds sterling. For the year 1875-6 the surplus was estimated at £506,000, but the realized surplus was £1,668,945. The famine charge in that year, which was not expected, amounted to £508,554. Excluding this charge, the surplus amounted to £2,177,499. The result was all the more satisfactory because in that year the Tariff Bill was passed, by which a considerable remission of taxation was made. At the commencement of the year 1876-7 a change of Viceroy occurred, and Lord Northbrook returned home to his well-earned honours and rest. While his Lordship was Viceroy he gave the greatest and most successful attention to the finances of India, and yet, notwithstanding his undoubted ability as an administrator and economist, he was unable to hand over to his successor a larger estimated surplus than £144,000. This curtailment of the surplus pre-

viously available was entirely due to one circumstance—an unexpected fall in the value of silver. This fall affected the Indian Government, because they had to make very large payments in this country in gold. In order to meet these payments they had to sell silver, and the lower the price of silver was the more they had to sell of it, and the extra amount of silver which last year they had to sell to buy the necessary gold was two crores and 33 lacs of rupees. Last year he ventured in his statement to say he did not think the fall in the price of silver would cause any deficit; but, unfortunately, as soon as silver began to resuscitate itself a terrible famine broke out, which occasioned a very large loss of revenue from ryot wari settlements. This year, therefore, had had to encounter a two-fold load of disaster. This famine differed from that in Bengal in 1874, because there the Zemindars occupied the place of middlemen, and thus averted the otherwise certain falling off of the land revenue. It was estimated that in 1876-7 there would be a loss of £1,384,500 in land revenue below the Budget Estimate; of £92,500 in Excise; and of £20,000 in Forest. If there had been no famine the revenue would have been £1,223,000 in excess of the Estimate of last year. The expenditure for the year 1876-7 was £1,727,471 in excess of the Budget Estimate; but this was entirely due to the famine, which caused a direct expenditure of £1,911,504. There had been, in addition, given to the Army as compensation for increased dearness of forage and provisions £80,000, bringing up the total famine expenditure to the sum of £1,991,504. The other heads of expenditure remained tolerably stationary. There was an increase on opium of £601,803, due to advances; but the most important feature in the finance of the year was the extraordinary increase in the traffic receipts of the Guaranteed Railway Companies. The gross traffic receipts were estimated at £8,557,500, whereas the sum realized was no less than £10,317,300. As the working expenses had not increased in proportion, the net loss upon the guaranteed interest was reduced from £1,260,000 to £420,051. The Delhi Assemblage caused an increase of about £90,000, and the famine had increased the corn and grain traffic to the amount of about £290,000;

Lord George Hamilton

but the rest was due to a *bond fide* increase in goods traffic generally, and of that increase the most important arose in the export of wheat. The quantity of wheat exported in 1872-3 was 320,000 cwt.; in 1875-6 it was 2,156,000 cwt.; and in 1876-7 it rose to 4,839,000 cwt. It was difficult to over-estimate the importance of the growth of this export trade. He was informed, too, by experts that the quality was excellent, and that it would favourably compare with American and Russian wheat. He had very little doubt the present high price of wheat would largely increase the export trade, and very materially assist us in getting rid of our silver.

MR. JOHN BRIGHT wished to know whether the exports came to England entirely, or whether they went to other countries?

LORD GEORGE HAMILTON said, he was afraid he could not answer the question off-hand, but he could easily obtain the desired information. His impression, however, was that the greater portion came to England. They had the enormous advantage of £95,500,000 of guaranteed railway capital, which greatly stimulated trade, and for which the loss on interest was only £420,051. The expenditure on the famine amounted to £1,911,504, and on the Army to £80,000. This, together with the loss of revenue, and making due allowance for the traffic receipts, gave a net loss of £3,198,000. That loss converted the estimated surplus of £144,000 into a deficit of £1,858,158. If there had been no famine there would have been, in spite of the loss caused by the fall of silver, a surplus of £1,340,346; therefore, his statement last year that he did not anticipate a deficit from the fall in silver was very considerably under the mark. The revenue last year was £51,220,713, and the expenditure £53,078,871, showing a deficit of £1,858,158. For the year 1877-8 Sir John Strachey estimated the revenue at £52,192,700, which was £971,987 over the Estimate of the preceding year; but the continuance of famine reduced the revenue by £528,400. The expenditure, including £1,425,000 for the famine, amounted to £53,014,400, showing a deficit of £821,700; but, excluding the net charge for the famine—namely, £2,052,000—there would have been a

surplus of £1,230,300. The net cost of the famine for two years was £5,250,504. The increase in Land Revenue, Excise, Customs, Stamps, and Post Office, could not be advantageously compared with that of previous years, as the famine had so disturbed the revenue of that year. The revenue from opium was purposely estimated at £566,800 below the sum received in the preceding year. The State railways gave a gross income of £674,800, and exhibited a net gain of £190,000, as against last year's gain of £104,000. The Army expenditure was increased by £633,878, including a charge postponed from last year of £200,000. The remainder was due to increased pay to Native troops and British non-commissioned officers, and to compensation for dearness of forage and provisions. The direct expenditure caused by the famine was £486,504 less than last year, and the total expenditure showed a decrease of £64,471. The main features of Sir John Strachey's Budget had been the extension of the decentralization scheme, which he had done a great deal towards carrying out in 1871. Sir John Strachey then said that—

“For years before Lord Mayo became Viceroy the ordinary financial condition of India had been one of chronic deficit, for the demands of the Local Governments were unbounded, and there was no limit to their legitimate wants. They saw on every side the necessity for improvements, and they had a purse to draw upon of unlimited, because of unknown, depth. Their constant desire was to obtain for their own Provinces as large a share as they could gain from the general resources of the Empire. The Government could check these demands only by imposing on the Local Governments the responsibility of maintaining their finances in a state of equilibrium. The distribution of the public income degenerates into a scramble, in which the most violent has the advantage, and the chief evil is that the growth of local income does not tend to local advantage.”

That was the state of affairs with which Lord Mayo had to deal, and he transferred to the Local Governments the administration of the gaols, the police, education, registration, medical services, printing, roads, and civil buildings. To meet the expenditure so transferred he handed over the receipts of services and allotments amounting to £5,667,000. This system placed great and increased powers in the hands of the Local Governments. It had been in operation for five years, and was a complete success, both

administratively and economically. In the year 1863-4 the Services cost £5,112,000; in 1868-9, £6,030,000; in 1875-6, £5,305,000. The scheme led to no fresh taxation, the powers were given only in the Punjab and in Oude, and the total of local cesses, rates, and taxes in 1877-8 was only £2,233,000. The weak point of the scheme was the tendency on the part of the Services to increase in cost, whereas there was no inducement to develop the revenue. Sir John Strachey, however, now proposed to extend this system by handing over further revenue to the Local Governments to meet the costs of other Services to be transferred to them. For the present year this extension of local responsibility would be limited to the North-West Provinces and Bengal. In the North-West the receipts of Land Revenue, Excise, Stamps, Administration, Law and Justice, the net assignments of which, together with other casual receipts, amounted to £698,000, were given to that Government. The cost of the Services now transferred, together with those taken over by the Local Government in 1871, amounted to £1,352,000; and the allotment therefore made, in addition to the sum of £698,400, would be £653,600, making a total equivalent to the cost of the transferred Services. In Bengal the same principle would be adopted, the revenue surrendered being £1,910,000, and the expenditure to be incurred £2,370,000. This transfer involved no fresh taxation, but a saving of £101,700 was effected, whilst a guarantee was also given by the Local Governments of a normal increment of transferred revenue of £44,000, making a total saving of £145,700. This extension of the principle of decentralization would considerably relieve the Supreme Government of the increasing duties imposed upon it, for the telegraph was a great centralizer, and yearly accumulated the responsibilities and anxieties of the central authority. These powers handed over to the Local Governments were subject to strict rules and regulations, the most important of which were that no fresh taxation could be imposed, no change could be made in the management of the revenue, and no fresh expenditure entered into without the consent of the Central Government. Sir John Strachey also proposed to hand over to the Local Governments the irri-

gation works constructed by the Imperial Government. Railways were beneficial to the whole country—it would be difficult to define any territorial limits of advantage—but it was different with regard to irrigation works. They only benefited the locality within which they were carried on. They proposed, therefore, to hand over to the North-West and to Bengal—and to those two Governments only at first by way of experiment—certain irrigation works; but before doing so, they required guarantees for the payment of the interest of the sums expended. In the North-West that outlay amounted to £5,560,000 up to the end of the financial year 1877-8, of which £2,310,000 was expended on works not yet in operation. The works in operation paid much more than the interest on the outlay, but the Indian Government could not afford to give up any of that surplus revenue. They also required 4½ per cent on the works not yet in operation. The total sum to be paid by the Local Governments would amount to £269,500, towards the payment of which they received £169,500 from the canals put under their management. There remained, then, the sum of £100,000 to be raised by taxation; but that sum would, probably, be reduced to £80,000 in five years. This £100,000 was to be met first by a light licence tax, and, secondly, by a power to assign 10 per cent of the rates now leviable in the North-West Provinces. The total of those rates was £430,000, and the increased taxation would fall very lightly considering the number and area of the population upon whom it was imposed. The amount of capital expended on the canals in Bengal was £8,000,000, and he was sorry to say those canals did not pay. On the contrary, some of them scarcely cleared their working expenses, but they were of great benefit to the localities in which they had been constructed. It was believed, however, that, if handed over to the Local Government, their revenues might be considerably developed. The amount of interest to be paid was £270,000, and this would be raised by local cesses and an irrigation rate; but the latter was for the present postponed. It had been urged on the part of the Zemindars that this proposed taxation would be an infringement of the permanent settlement. Mr.

Lord George Hamilton

Eden had entered into a correspondence with them on the subject, and had, he thought, shown that they were in error. Sir James Stephen some years back argued the same question in this way—

“It may be asked what good there was in the permanent settlement, what great benefit it conferred upon the landowners of Bengal if it left their property subject to taxation. The answer is that it reduced to a certainty one particular charge on the land which had previously been of variable amount, and so freed the landowners from uncertainty which had previously hung over them in respect of it. Under the old system of land revenue, worked as it was by the old Governments, it was, at all events, a debatable question whether the Zemindars had any private property in the land after all. Not only was this question debatable, but it was hotly debated, and I think that any one who reads the papers which were written to show that the Zemindars were mere farmers of the revenue will be obliged to own that much may be said in support of that opinion. Since the permanent settlement their proprietary right has been undoubted, and the line between their property and that of the State has been clearly defined, and is no longer subject to increase, in consequence, to use the words of the permanent settlement itself, ‘of the improvement of their respective estates.’ To affirm that because the line has been drawn between the State’s share, the Zemindar’s share, and the ryot’s share in the land, the shares of the Zemindar and the ryot have been freed from all further liability to taxation is nothing less than to argue that by the act of creating property in land and defining the extent of that property the Government relieved the property which it had so created and defined from that which is the common liability of all property in all countries and under every possible system of government, the liability to taxation. I hardly know how to argue against such confusion of thought.”

Mr. Eden, who was perhaps better acquainted with the condition of Bengal than any other civilian, had discussed the matter in full, and when he asked the opposite side what other tax would they propose, the only suggestion that was made was that there should be an increase of the salt duty. The fact was that Bengal was more lightly taxed and richer than any of the other Provinces. Under the permanent settlement she paid £8,000,000 less land revenue than she would have to pay if the land revenue were liable to revision. No less than £6,600,000 was recently expended to avert famine from Bengal and charged on the revenues of India, and he did not think it, therefore, at all too much to ask Bengal to contribute to the maintenance of those canals which might prevent a repetition of that calamity. The total gain to the Estimates

from this scheme of decentralization would be £520,000; the maximum amount of taxation would be £325,000; and therefore, putting it roughly, while one rupee would represent the gain from additional taxation, two would represent the saving to the Imperial revenue from closer supervision and better administration. But the scheme would require and receive close watching. The further extension of the system would be most useful in future famines. At present there was a system in force which would certainly not work in this country. When a famine broke out the Local Government made a demand on the Supreme Government, the Local Government being the spending authority and the Supreme Government finding the funds. There was, therefore, a sort of natural antagonism between the two. It was due to the sound principles which Lord Northbrook laid down that they were able to meet the famine which had now occurred at much less cost than before. There was no doubt that the famine in Madras and Bombay was much more serious than had been the famine in Bengal; and yet, while the whole direct cost of the Bengal famine had been £6,600,000, the whole direct expenditure on the Bombay and Madras famine would be only £3,300,000. Lord Northbrook’s principle was that the Government should not interfere with private trade, but should only step in to supplement it when it failed to save the people from starving; and that was the principle acted upon by the Government on the present occasion. The experience of Sir Richard Temple, who had lately assumed the Governorship of Bombay, had been most advantageous in reducing the expenditure and introducing order and method into the famine administration. Sir Richard Temple had been severely attacked for what he had done, but he had a very difficult and delicate task to perform, and great credit was due to him for not flinching from the difficulties. The latest news received from both Provinces was encouraging. The south-west monsoon had broken on Bombay, and there had been heavy showers in Madras. But while they expected that the estimate of expenditure in Madras would be exceeded, that in Bombay would be reduced. The net result of three years, including famine expenditure, was—Revenue in 1875-6,

£51,310,063; expenditure, £49,641,118—showing a surplus of £1,668,945; in 1876-7, revenue, £51,220,713; expenditure, £53,078,871—deficiency, £1,858,158; in 1877-8, revenue, £52,192,700; expenditure, £53,014,400—deficiency, £821,700. He had dealt with the three financial years which had come under his own immediate observation, and he would now make a few remarks on the general condition of Indian finances. The charge generally made against the Indian Administration was that while their expenditure was unduly increasing, their revenue remained stationary. That, however, was not the case. Taking the year 1869-70, a year selected by Sir John Strachey, and comparing it with 1875-6, he found that the revenue in the former year was £50,901,000, against £52,515,787 in the latter. But the income tax, which had since been abolished, was in force in 1869-70, and increased the revenue of that year by £1,100,000. Excluding that, it would be found that the same taxation, somewhat reduced, which brought in £49,800,000 in 1869-70, brought in £52,500,000 in 1875-6, being an increase of £2,700,000. Turning to the expenditure side of the account, he found that in 1869-70 the expenditure was £50,782,412, and in 1875-6 it was £50,846,842. But in this last year there was an exceptional charge for famine of £500,000, so that the ordinary expenditure was only £50,251,000, or £600,000 less than in 1869-70. That showed the inaccuracy of the assertion that their expenditure was increasing in a greater ratio than their revenue. The next charge brought against the Indian Administration was that if the revenue of the year was sufficient to meet the ordinary expenditure whenever any exceptional occurrence took place, they were obliged to go into the money-market and borrow. He had laid on the Table of the House a statement giving the total revenue and expenditure, including the cost of famines, but excluding public works extraordinary, from Mr. Wilson's time in 1861-2 down to the end of the present year, and it showed that though they had to meet exceptionally heavy famine expenditure and the extra charge owing to the fall in the value of silver, the surplus of revenue over expenditure had

been upwards of £2,000,000. But there was at the bottom of that statement a Return showing the increase of debt during that period. That increase amounted to £32,666,828, of which there had been a redemption of East India stock to the amount of £4,579,416, leaving the net increase of debt £28,087,412. That increase was due to public works extraordinary. It might be asked, What were public works extraordinary, and what did they get for that increase of debt? Many years ago—he believed Lord Dalhousie was the first Governor General who initiated the principle—the Indian Government determined to construct railways by borrowing. They felt it impossible to do so out of their ordinary revenue; and as a necessary consequence of determining to construct railways by borrowing, they had to put aside a certain portion of their revenue in order to meet the difference between the interest on the sums borrowed and the net receipts from the works on which those sums were expended. They commenced to put that principle in practice through the agency of the guaranteed companies. They borrowed indirectly through those companies, and they applied the money which the companies raised to the construction of the railways. That system was in force up to 1867, when Lord Lawrence wrote a very elaborate Minute in which he showed that the system of giving a high guarantee on the capital raised by the companies was most expensive, and that although it had secured excellent lines, the advantage of which could not well be over-estimated, yet that they were economical neither in their construction nor in their management and working. Therefore, it was determined to abolish the system of borrowing through the guaranteed companies, and the Indian Government adopted instead the simpler plan of going into the money-market themselves, borrowing money at a lower rate of interest, and expending it themselves. As long as the guaranteed companies were in existence the capital thus annually expended on railways was excluded from the accounts; and all that the accounts showed was the net loss on the annual transaction—that was to say, the difference between the net receipts which were handed over to the Government and the guaranteed interest which it

Lord George Hamilton

paid to the companies. In 1861-2 the loss on guaranteed interest on a capital of only £35,000,000 was £1,425,000. The loss on capital expended when it had been increased by £60,500,000, as it had been since 1861-2, being now £95,500,000, was only £420,000 last year. Therefore, although they had increased their capital expended on railways by £60,500,000 the net annual result was £1,000,000 better than in 1861-2. It was important to bear that in mind, because hon. Gentlemen sometimes expressed regret that the days of the former system were gone. But during the time when the guaranteed companies were disbursing £6,000,000 and £7,000,000 a-year on the construction of railways, that money was borrowed at high interest. Since then the system of public works extraordinary had been started, under which the Indian Government themselves constructed their railways and canals, and borrowed money for that purpose themselves. But in their honest anxiety to show what the exact result of their expenditure was, they had adopted a form of account which he must admit was somewhat misleading. It was a form of account which, as far as he was aware, was the opposite of that adopted by any commercial company or by the Government at home in analogous cases. Parliament had laid down the rule by which railway companies in this country presented annual accounts of their revenue and capital expenditure. In the case of the Indian Government, the whole capital expenditure on public works extraordinary was charged against the ordinary revenue of the year; and, of course, the result was what was called a deficit. The accounts relating to public works extraordinary ought to be clear, first as regarded the sums expended; secondly, as to how they were obtained; and thirdly, as to the results. It was very difficult to understand those accounts as at present prepared, receipts from these works and revenue being so mixed up as to be unintelligible. Lord Salisbury, therefore, thought that some alteration should be made, because their present form was in every way disadvantageous. In the first place, it gave the public the impression that they annually spent more than they received, because they could not otherwise carry on the administration of India. In the next place, if in that House he tried to

the best of his power to state the actual results of those public works extraordinary and their revenue, some hon. Member got up on the one side and expressed astonishment at his audacity in having put the figures too high, and another got up on the other side and expressed surprise that he had put them several millions too low. Again, it was asked, if they could ascertain what was the revenue from those works, why not place it in their accounts? At present there was a common fund from which they met all the various charges that were made upon them. Soon after he entered upon his present office the House granted powers to raise a certain sum of money in this country for defraying the expenses of the Bengal Famine. They accordingly raised £5,000,000 for that purpose in 1874, and the Indian Government also raised £2,500,000 in the same year. The famine expenditure was included in the ordinary expenditure and charged to ordinary revenue. Now, the ordinary revenue in those two years turned out so much better than was expected that there was actually a surplus of £150,000 on the transactions of those years. But they borrowed £7,500,000 in order to meet that famine; and the question was, where did it go to? Into the cash balances; and the only thing clear was that the famine had cost them so much and that but for the famine they would not have had to borrow what they did. It was impossible to trace, under the present system, the exact application of these loans. Some alteration of the accounts, then, was necessary. Lord Salisbury proposed to effect some alterations in them; and as the alteration was important, copies would be found in the Vote Office, so that Gentlemen interested in finance might be able to trace their principle. They proposed, as they were engaged in what was undoubtedly a commercial transaction, to deal with the matter as a commercial one, and to have an accurate revenue and an accurate capital account. The first step they would take was to ascertain what was the total amount expended on those so-called public works extraordinary, which consisted of irrigation canals and railways. That could be easily ascertained. They would treat the whole of the money thus expended, whether it came from revenue or from loan, as borrowed money, and

they would then deduct that sum from the permanent debt. There would, therefore, in future be two debts—the Permanent Debt and the Productive Works Debt. They next proposed in the revenue account to keep the revenue derived from productive works distinct from the income derived from taxation. The revenue from productive works would include receipts from irrigation, land revenue due to irrigation, and railways. The accounts would show the exact amount annually obtained from each of those works. On the expenditure side they would charge interest on the Debt incurred for those works, also the working expenditure for each work. The accounts would, in fact, show the total expenditure on public works extraordinary, and the receipts from them; so that the actual result of the transaction might be seen at a glance. The result would be that any hon. Gentleman would at once perceive what works were paying and what were not. The only objection to this proposal which he could conceive was that by excluding the capital expenditure they might be led to an unlimited expenditure; but a moment's reflection would dispel any such notion. The amount of expenditure incurred was of secondary importance—what were of primary importance were the returns. They could afford to expend a large sum if they got a good result; but they certainly could not spend a large sum if they got no result from it. The hon. Baronet the Member for Kirkcaldy (Sir George Campbell) had a Notice on the Paper to the effect “that the present rapid increase of the debt of India, notwithstanding the enjoyment of profound peace, is inconsistent with financial prudence.” Now, if they increased the debt in order to meet their ordinary expenditure he agreed with him, but it was quite a different thing if they increased the debt to construct remunerative works. They also proposed to adopt the English system of applying the surplus revenue of any year to the reduction of the debt. Suppose there was a surplus this year of £1,000,000, and next year it was necessary to borrow £3,000,000 for the construction of public works, they would reduce the permanent debt by that surplus of £1,000,000, and they would charge to Reproductive Works Debt the whole £3,000,000. There would be two accounts of interest. If

they were able to reduce the permanent debt, the interest on it would be reduced; and if they could so carry out their works that year by year there should be a reduction of their annual cost to the State, there would on both accounts be an annually diminishing loss. The only State railway constructed and in working order was the Rajpootana Railway. This was now the third year of its working, and it already paid 5 per cent on the capital expended in its construction. He could not but regard that result as eminently satisfactory. The expenditure on public works extraordinary in 1875-6 was £4,270,629; in 1876-7 it was £3,764,614; and in 1877-8 it was £3,628,000. At the commencement of the Session a Motion was made by the hon. Member for Hackney (Mr. Fawcett) for the appointment of a Select Committee to inquire into Indian finance. The Government did not accede to that proposal; but if, next Session, it was desired to have a Select Committee to inquire into the expediency of increasing debt by constructing public works, the Government would not object. The expenditure upon public works extraordinary had been conducted upon certain principles, and it was shown in 1872-3 that the total loss upon the whole of our public works extraordinary, including guaranteed interest on railways, was £2,357,696—that was to say, that amount constituted the difference between the net receipts and the interest on the sums borrowed for construction, together with the working expenses of the works in operation. It was further estimated that after spending £4,000,000 annually up to 1879-80, the loss would be reduced £1,939,806; yet this estimate calculated the loss on the guaranteed railways at upwards of £1,200,000, whereas he had shown it to be only £420,000. The revenue had been reduced by the abolition of the income tax and other remissions in 1873, and Lord Northbrook, in the same year, sanctioned a proposal by which public works extraordinary were developed, and an annual sum of £4,500,000 was to be spent for five years. The amount spent between 1873-4 and the end of the present financial year ought, therefore, to have been £22,500,000. The actual amount expended was £19,486,121. The surpluses realized were £9,362,207, being

Lord George Hamilton

annual surpluses of about £2,000,000, leaving only £10,103,914 to be borrowed. If, therefore, there had been no famine, they would have been able to expend £19,466,121 on public works extraordinary, only borrowing the difference between that and the surpluses realized—namely, £10,103,914. But unfortunately the Bengal famine and the Madras and Bombay famine had cost the enormous sum of £11,861,591, to be added to the expenditure on public works extraordinary, making a total expenditure of £31,327,712. They had borrowed £17,174,032, and that, with the surplus £9,362,207, about £2,000,000 a-year, made a total of £26,536,239. They, therefore, required £5,000,000 to meet the difference. But he feared they would want a little more, because the withdrawal of the railway capital was very much in excess of the payment, and there were a great number of debentures due in India which would have to be taken up. The Indian Government had advertized to borrow £2,500,000 in India, and they had received from Native States about £750,000, which would be absorbed by debentures coming due. There would, therefore, still remain £2,500,000, which would be necessary to carry on the famine expenditure and meet the expenditure of the year. He therefore asked from the House the power to borrow £2,500,000 in this country, and to have power to add this sum to the permanent debt. That was considerably less than the Indian Government estimated they should have to borrow—which was £3,750,000; and it was no breach of confidence to say that that sum was, in the opinion of the Indian Government, the minimum which they would require to borrow during the year. Now, notwithstanding the increase of their debt which he had mentioned, he believed the actual net charge to the revenue of India was now less than it was at the commencement of the year 1873-4—that was to say, including the guaranteed interest, as well as the interest upon the permanent debt. They could have afforded to have regarded with equanimity that increase of debt if the whole of it had been raised in India. But, unfortunately, a very considerable portion of it had been raised in England; and if there was one danger to Indian finance more serious than another, he believed it was consequent on the in-

crease of disbursements in this country. This was all the more serious because it was not altogether under our control. So long as our connection with India lasted, so long would those disbursements certainly not diminish. There were certain things which India required from Europe which could only be got from Europe. India wanted European soldiers to protect her. She required European administrators to govern her; she required European capital for her public works, and European energy to apply that capital. As year by year the cost of almost everything increased, so India had to pay for everything she wanted here the market price of this country. The traffic receipts of the guaranteed railway companies were still increasing. There was only a net charge of £420,000, but the actual disbursements they had to make in this country amounted to more than £5,000,000, and the better those railways paid the larger the sums we had to pay here. It was once the fashion to imagine that the India Office was at the bottom of all these large disbursements. Only abolish the India Office, it was said, and these disbursements would cease. But that was a great delusion. There was no part of the business of the India Office more carefully done than that of checking expenditure in this country; but, as he had said, the increase of disbursements in this country was not altogether under their control. For instance, as the cost of the whole British Army increased, the proportion of it contributed by India necessarily increased also, and so long as the present principle of payment remained in force, that result would be inevitable. In the matter of stores, of which India required an enormous quantity, he was happy to say that last year they had done good business. They bought 31,000 tons of iron rails at about £6 per ton; whereas in 1873-4 they paid £13 per ton. This year, again, they had paid about £8 per ton for steel rails; whereas in 1873-4 they paid £18 per ton. So that, great as had been the fall in the price of silver, the fall in the price of iron had been still greater, and it was well worth their while to continue to make purchases in that commodity, even when the rate of exchange was heavily against them. The home disbursements of the Indian Government

might be roughly estimated at between £15,000,000 and £16,000,000, which was met by selling bills payable in silver in London. Now those bills were drafts upon the Indian Treasury, and for all practical purposes might be regarded as silver. They to a considerable extent regulated and controlled the price of silver in London. The Indian Government had thus unconsciously drifted into an enormous commercial undertaking, which was nothing more or less than the sale of from £15,000,000 to £16,000,000 worth of silver a-year. But although their wants were constant, the demand for silver was variable. At the present moment the East was the great consumer of silver, Europe making little demand for it; but the appetite of the East for silver was intermittent. The consequences of forcing silver upon the London market, which, he believed, regulated more or less the price of silver throughout the world, were very unfortunate. The low price of silver sold by us was only an infinitesimal portion of the evil inflicted on India. Silver being the standard of value in India, any sudden fluctuation in the value of that metal affected not merely the amount of silver sold, but the whole metallic currency of the country, the price of all stocks measured in silver, and the value of all transactions regulated by this standard of value. A remarkable example of the effect of forcing silver upon an unwilling market was given last year, when, between January and July, on £2,739,000 worth of bills, the price of silver fell 11 per cent. Now, he did not mean to say that the amount of the silver sold was the cause of that fall—there were, no doubt, other causes at work, as the right hon. Gentleman opposite (Mr. Goschen) had very ably shown—and great apprehensions were aroused by a fear of these causes; but the sale of Indian bills in London when there was no demand for silver, was the lever by which those apprehensions exercised a most exaggerated effect upon the market. The Indian Government were, therefore, in this most unfortunate position. If they forced their silver upon the market when there was no demand for it, they reduced the price of silver and gave rise to fluctuations which were most injurious to Eastern trade, and if they borrowed money in this country they only put off the evil day. The

question then arose—If, on the one hand, it was unwise to increase future liabilities by borrowing, and if, on the other hand, there were times when it was equally unwise to force their bills upon the silver market, what were they to do? As a means of escape from the difficulty, Mr. Bagehot, whose financial ability had been acknowledged by the Chancellor of the Exchequer in making his Budget Statement, and who had rendered signal service in many questions connected with Indian finance, suggested that they should issue Treasury bills renewable from time to time. He (Lord George Hamilton) had therefore to ask the House to give them additional power to issue Treasury bills to the amount of £2,500,000, on the distinct understanding that that power should only be used when they could not possibly sell their bills. By that means they would be able to attain a two-fold object. They would, on the one hand, be able to keep silver steady, and, on the other hand, they would not add to their permanent debt in this country. Fluctuations in the value of silver were absolutely ruinous, inasmuch as they disturbed the whole basis upon which merchants and bankers calculated their profits and drove capital into different channels free from such danger. The Secretary of State, he believed, was the first publicly to announce the impolicy of increasing the Indian debt in this country, and the House might rest assured that if they granted the reserve power now asked for, the Indian Government would use it with the view of avoiding any increase of their liabilities in this country, and of selling as much silver as they could without injuriously affecting the market. At the instance of the right hon. Gentleman the Member for Pontefract (Mr. Childers), a Return was in preparation showing the total amount of the Indian Debt, and another of income and expenditure was now in course of preparation. The Secretary of State thought that Returns of that kind would be interesting, and he had accordingly ordered them to be produced annually. There were, no doubt, dangers ahead which required constant watching. On the other hand, the revenue was steadily increasing, and the cost of public works extraordinary was, he believed, annually decreasing. He would not go into figures on this subject, because they

Lord George Hamilton

had been disputed; but he intended, by adopting a new form of account, to provide a certain method by which statements could annually be tested. If, however, the revenue was satisfactory, it could not be denied that a retrospect of the expenditure was the reverse. They had had to contend with the most extraordinary combination of adverse circumstances, as it appeared to him, that any Government had ever been called upon to face. They had had two successive famines, an incredible fall in the price of silver, and a steady continuous depression in trade. It was perfectly clear that if nature was to visit India every year with the curse of famine, the measures he had enumerated would not be sufficiently stringent to meet the increased strain on the financial resources. But whether there was, in the future, a period of prosperity or scarcity, he believed the proposed reforms would be efficacious in either case. In concluding, he hoped the alteration he had made in the accounts would make clear to every Member of Parliament that which had hitherto been a source of perplexity and misunderstanding, and that by adding to their information it would serve to give new zest and interest to the performance of those responsible functions by which that House controlled and supervised the finances of our Indian Empire.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Lord George Hamilton*).

SIR GEORGE CAMPBELL rose to move the following Amendment:—

"The present rapid increase of the debt of India, notwithstanding the enjoyment of profound peace, is inconsistent with financial prudence, and renders necessary such a revision of the system as may provide, during times of peace and prosperity, a large margin of income applicable either to reduction of debt or to works really remunerative; and, in order to carry the above securely into effect, a high and independent authority should decide whether expenditure which it is proposed to exclude from the ordinary account may be properly classed under 'extraordinary,' as being, from a commercial point of view, a prudent investment likely to pay."

The hon. Member said, that all in that House must acknowledge the financial ability which the noble Lord displayed more and more every year when he came to lay the Indian Budget before

that House. His statements were models of clearness and ability, and the House was indebted to him for the improvement that had taken place in the Indian accounts as they were now presented to the House. He was afraid, however, that the talent for official finance which the noble Lord had developed might militate against him, and induce him to put the best face upon the matter, to take too sanguine a view of Indian finance, a view which he (Sir George Campbell) thought the present condition of affairs did not justify. There was a great difference between finance as applicable to England and India. Chancellors of the Exchequer had taken, and very properly taken, a sanguine view of the finances of this country; but the noble Lord was scarcely justified in doing the same in the case of India. In this country we ruled our own people, and in case of emergency we might rely upon them to furnish resources by additional taxation; but in India it was different, because in times of trouble and adversity it would be quite impossible to appeal to the people for extraordinary means to meet our extraordinary needs. Strong as our position was—and he believed it to be stronger than many people supposed—yet we could not attempt in critical and troubled times to raise more money by fresh taxation. He was of opinion, therefore, that if in England in times of peace and prosperity it was considered necessary, as far as possible, to reduce our Debt—and he was glad that the Chancellor of the Exchequer had recognized the fact—it was of still greater importance in India to put by as much as was possible for a rainy day. He regretted, therefore, the sanguine view which the noble Lord had taken of the finances of India. The rule was that every year was exceptional, and no provision was made for accumulating a surplus, or for the reduction of debt, or to prevent borrowing, and this year the demand for loans was unusually heavy. £3,000,000 had already been asked for in India, and now they were asked to sanction a further £5,000,000, the greater part of which was to be spent during the current year. He (Sir George Campbell) was afraid that the finances of India would be worse in the future than they had been in the past. It was true that now railways, instead of being

guaranteed by the Government, were made by the Government, but with an open capital account there was much temptation to shift that which should be revenue expenditure to capital, and he was afraid that this was the tendency when they saw some of these expenses put down as "extraordinary." The view he took of the financial position of India was not his own, but was founded on the best possible authority—namely, an official statement. A Return, to which the noble Lord had referred in the course of his speech, had lately been laid on the Table of the House, giving figures showing the financial position during 17 years, beginning with the time when Mr. Wilson introduced his financial reforms. The comparison there given of income and expenditure showed on the whole period a surplus of £2,900,000, but he ventured to think the statement misleading. The whole of that surplus and a good deal more was gained in the first five years, when the additional taxation introduced by Mr. Wilson was imposed. Indeed, in those five years there was a total surplus of £4,600,000. In the remaining dozen years there was on the whole a considerable deficit, to which was to be added the deficit of the present year—namely, £2,500,000. Moreover, in the first five years the extraordinary public works were included, while in the last dozen years they were not. In fact, many works for which credit was now claimed as capital, as, for example, the Ganges Canal, were made before the system of works extraordinary was established at all. That being the state of the case, he was, he thought, justified in saying that our financial position in India was not improving, but deteriorating. A good many millions had been expended, for which there was nothing to show, and no provision had been made for a rainy day. The noble Lord, indeed, at the end of his speech had very candidly admitted that the retrospect was not very pleasant, and in that view he quite concurred. As to the future, he would rely solely on the remarks which he was about to make on the official statement of Sir John Strachey in the Council of the Governor General of India. Sir John Strachey as a Finance Minister was very much in his place. He was clear-headed, and there was not in the public service a more able

or zealous man. The lines of financial reform sketched by him were, he believed, good lines; but although the system of decentralization introduced by Lord Mayo was entirely successful, he was not sanguine that we should be able to recover our financial position by that means. The only fault he had to find with Sir John Strachey was that he was a little too sanguine; but in his statement he showed that an estimated surplus for the year 1877-8 would be converted into a deficit of £278,000 by a fair statement of the account. That was the statement of the responsible Financial Minister as to the revenue of the current year. As regarded the future, Sir John Strachey took also a very unfavourable view, which he derived from a consideration of the very seven years to which the noble Lord had alluded, for after going through certain details he said that during the past seven years the Government of India had just managed to bring their expenditure within their income, famine excluded, but that famines could not be omitted from their calculations, and, he added, that they had now no income tax. Was the noble Lord prepared to admit that the views of the official organ of the Government of India were right that the revenue was barely sufficient to meet our ordinary expenditure, making no provision for famine or the reduction of debt? If so, did he look upon our position as one characterized by prudence? He should imagine not. Our present position in India, considered politically, was most favourable, and he trusted that it might be maintained. He hoped that what was going on in Asia would not—indeed, he thought it would not—involve risk, as he believed that we might for years stand aloof from the affairs of Russia in that direction with impunity. At the same time, he pointed out that circumstances might arise which would make an increase of military expenses in India inevitable; and, considering all the contingencies and risks of the future, it would be imprudent to trust to a revenue which went no further than to meet the ordinary and necessary expenditure of the year. The general result of a long study of the subject had been to convince him that in future the increase of our Indian revenue would be very slow,

Sir George Campbell

and that we could not look to it for the relief of our finances to the extent to which they ought to be relieved. If it were the case that we had barely provided for the ordinary wants of every day, without providing for famine and other occasional demands, we ought to do something in the way of righting our finances. If it were found impossible to improve the state of our finances in any other manner, he thought we should boldly face the task of introducing in some shape additional taxation. This was a course which the Government of India had now to a small extent adopted; but he was not favourably impressed with the measures taken in that respect during the present year. As to an irrigation tax, while admitting it was justifiable in principle, he thought there were very great difficulties in regard to it in practice, and therefore the Government had acted prudently in instituting inquiries on the subject. He assumed the Government of Bengal at a time when the Government of India were of opinion that the financial position was not secure, and it became his duty to impose a tax on the land of Bengal for local roads. He was strongly of opinion that a rate of that kind was one to which the land of Bengal was fairly and justly liable. He had, however, pledged himself, as the representative of the Government, that the tax should be local and for the benefit of the people themselves. That was the form taken by the road cess in Bengal, and the people had appreciated it. Its success had been such that he only feared lest they should run into extremes and impose too many taxes of that kind. He quite admitted, of course, that other rates would have to be imposed if Bengal was to have the advantage of the intended improvements; but he hoped that as the present new tax had been imposed for Imperial purposes, the Government of Bengal would not be saddled with the cost of a past failure. He would not put himself in opposition to the views of the Government, but he hoped that his statement of the case would be considered. His own contention was that temporary makeshifts should not be used, and that the Government of India was too much influenced by political cowardice, our position in India being much stronger than was generally supposed. They

were strong enough to impose burdens—necessary burdens—in times of peace and prosperity, and not in times of financial disturbance. His opinion was the absolutely necessary funds should be raised by large and comprehensive measures; and his own practical belief was that, as the taxation of the people of India was not at all heavy, it would be much better to do what was necessary now than to throw an increasing burden on the future. What was wanted was a margin of income from which debt might be reduced or money invested. He quite sympathized with the noble Lord's regrets at the continued increase of payments made by this country on account of India; but he would remark that these payments were the natural result of an increased debt, and that, in spite of this, power was now asked for a heavy loan. The money market of India would not admit of a loan being issued there; but in times of peace and tranquillity this necessity for borrowing ought not to exist, and the money should have been obtained in India. With regard to what had been called "famine finance," he was glad to see that the Government of India freely admitted that at one time the famine charge had been excessive. There had been great oscillations of opinion as to the right course to be taken as to famine; but, on the whole, he believed that the happy mean between parsimony and extravagance had been attained. Something should be done towards localizing the famine charges, for the principle of localization was as necessary in India as in England. Local areas should meet their own local charges, and some system should be followed by which money might be accumulated year by year to cover these expenses. As for the public works, he would only say that however necessary an extraordinary account might be, it would have to be used carefully, and not abused, as had been done in France. While not doubting the good faith of the Government, the House ought to have some check so as to distinguish between the ordinary and the extraordinary expenditure of India. At present the temptation was to throw upon the extraordinary expenditure a number of items in order to make things pleasant. The House was indebted to the noble Lord for the new form in which the

accounts were now presented; but he thought he still saw the signs of an over-sanguine spirit. The indirect benefit of unremunerative public works could not be brought into the balance-sheet, and had been too much insisted on. If a railway in this country that did not pay at all or only paid 2 per cent put the actual receipts at £500,000, and the profit supposed to be gained by the landowners and others at another £1,000,000, everyone would condemn this as an arbitrary and unreal mode of account. The indirect benefit of these public works might be considerable, but the Government did not get the money into their coffers. If these public works were to be treated as commercial undertakings, their accounts must be kept like those of a private company, and it would then be fair to say that the loss was only moderate. But accounts of estimates of indirect gains were mere guess work. As regarded the Great Trunk lines and other guaranteed railways he (Sir George Campbell) fully and entirely admitted their success. They had already almost paid interest on the cost of their construction, and their future prosperity was undoubted. The Government, however, were making lines through sparsely-populated districts, political railways and certain unremunerative canals, and if they lumped up the guaranteed companies which paid with the undertakings that did not pay, the result would be fallacious. In future the real amount of the expenditure and income of each ought to be clearly shown. There ought to be a sinking fund to pay off the capital in a certain number of years. In all the Committees upstairs provision of this kind was made in regard to local undertakings; but there was no such sinking fund in India. He could find no mention of the Madras Harbour in the accounts. It was a work which would not be remunerative, and which was being made with borrowed money, and these local works were too often hid out of sight and kept out of the Imperial accounts. There was great danger in the practice which seemed to be springing up of the Native States coming into the London Money Market to raise loans. One considerable State put forward as a pretext its great anxiety to establish public works; but the result would be to bring about too intimate relations

between these States and the London Money Market. These States were evidently anxious to follow in the path of the Khedive of Egypt. The Government were, however, the rulers of India, and these States were but tributaries, and it would be much better to let them understand that the Government would undertake all the great and remunerative public works, and that as to the rest, they had better save the money out of their ample revenues and make their public works for themselves. There were, necessarily, great complications and difficulties in these accounts, and it was desirable to have a competent authority in the nature of some tribunal, like a Joint Committee of both Houses, so that the accounts might be well sifted and a high audit established. The noble Lord said the Government would not object to the appointment of a Select Committee next Session, if it should be the wish of the House, to deal with the finances of India—[Lord GEORGE HAMILTON: With the Public Works Extraordinary]—and if the noble Lord followed out that intention which he had expressed, his (Sir George Campbell's) object would be to a great extent obtained; and therefore while moving the Amendment of which he had given Notice he probably should not press it very far if he found the opinion of the House was not strongly in favour of it.

MR. SMOLLETT: It is fortunate for India that, from circumstances which officials could not control, the finances of our Eastern Empire have been brought under the cognizance of Parliament in 1877 at a period when some attention can be paid to them. The hon. Member for Hackney (Mr. Fawcett), in February last, proposed that a Select Committee should be appointed to inquire into the condition of Indian Finance, and the proposal was largely supported by hon. Gentlemen opposite. Upon that occasion I entered into a searching examination of the causes of the maladministration of the Indian Revenue. I showed distinctly that the huge and persistent excess of expenditure over income was mainly caused by useless outlays of money upon unremunerative works falsely styled reproductive. I pointed out that the late Lord Mayo, the only capable Viceroy who has in recent years ruled in India, had reduced the expenditure in two years by nearly

Sir George Campbell

£5,000,000, and I declared my belief that a like reduction could be made in 1877, if the administration of India was placed in proper hands. No reply was made to these statements; they were met by gross personal abuse, and by official misrepresentation of facts. To-night, on the 21st of June, we have submitted to us the Indian Financial Statement. We are indebted for this fact to the necessity that exists to borrow money in London to meet the deficiencies of the Indian Exchequer. But for that necessity the production of the Indian accounts would, by dexterous management, have been deferred to the 10th or 12th August, as has been the case in the two last Sessions. It is with regret that I am compelled to speak of the financial management of our Indian Empire as discreditable. It would be much more agreeable to me if I could speak favourably of the conduct of Indian finances, under a Conservative Government to which I have always given a loyal and disinterested support. Under a Liberal Administration a bad system was introduced, it is still continued, and matters daily go from bad to worse. Remembering as I do the lavish disposition evinced by Lord Salisbury, in 1866, when for a short period he was Secretary of State, recollecting the intensity of his belief in the random assertions then propagated of enormous profits arising from irrigation projects, I was led in 1874 to fear that the selection of the noble Marquess to fill the office of Indian Secretary a second time would not be a happy one. When, too, a few weeks after his accession to office, Lord Salisbury complimented highly in "another place" the Indian Public Works Establishment; when he expressed his satisfaction that that Department had works estimated to cost £17,000,000 in hand, and when he announced his intention to sanction a further outlay upon one single irrigation work of £15,000,000, I was satisfied that the noble Lord had learned nothing and had forgotten nothing during seven years of exile from official life. My fears were somewhat assuaged in August, 1874, when, upon the 4th of that month the Under Secretary of State launched his Financial Statement in Committee. The fairness and propriety of the noble Lord's statement disarmed me. I have learned since to place no reliance upon Financial Statements coming from the India Office. The

principles then propounded were reassuring. The noble Lord apologized for the appearance of an item of expenditure in the Indian Accounts amounting to £4,250,000 as an outlay on Extraordinary Works. This policy formed no part, he said, of the programme of the present Administration. It was a legacy left to the Office by the Duke of Argyll. I had hoped that the amount would have been reduced, but this has not been the case. This expenditure has been persevered in, and with the worst results. The noble Lord said that frugality should be the order of the day—that every endeavour should be made to keep down the Home Charges. The Under Secretary of State in August, 1874, assured the Committee that every ordinary want of the year should be defrayed from the Revenues of the year, that no loans in the future should be incurred to meet ordinary expenditure. The noble Lord stated most positively that if money was wanted for reproductive purposes, the money must be borrowed in India. A stringent scrutiny, it was said, was now applied to all Estimates for Extraordinary Works, and none were sanctioned, unless it was clear that the undertakings would repay the interest and ultimately would recoup the cost price. Lastly, the Under Secretary gave the House the most positive assurances that no loans in support of Indian Finance should hereafter be negotiated in London. Now, in my judgment, no faith has been kept either in England or in India upon those points. Upon the 10th or 12th March last, the Finance Minister, Sir John Strachey, introduced the Budget of 1877 in the Council Chamber in Calcutta. He commenced by stating that the Revenue of the year which had just expired fell short of the Expenditure by £6,000,000. He announced that the Estimates of the present year showed an excess of expenditure of £4,250,000, but dexterously manipulating the accounts he made it clear that the financial position was satisfactory and the future most promising. While making these strange observations, Sir John Strachey was compelled to make some scandalous revelations. Sir John admitted at once that no steps had ever been taken in India to exclude unproductive Works from the Extraordinary Budget. He said that they had been always included

to a great extent. He said that ordinary and unproductive Works in this year to the tune of £1,206,000 had been so included in the Extraordinary Budget, and he promised not to do this again. But Sir John Strachey went further, he said that during the last seven years—from 1869 to 1875—there had been carried under the head of Extraordinary to Capital account, sums amounting to £4,770,000, expended upon State Railway Works that were never supposed to be reproductive. With £1,206,000 included in the present year, here was a sum of £6,000,000 improperly transferred from current to Capital account. That was the Finance Minister's Statement. In addition, I could enumerate Irrigation Works that have cost £5,000,000, made with borrowed money, which have never returned a shilling of profit. Lord Lytton, on the 1st May, admitted the correctness of Sir John Strachey's allegations. Lord Lytton said—

“That although orders had been sent from England many years ago to exclude from the Extraordinary accounts unremunerative Public Works, the orders were never acted upon. This should be done in future.”

Nay more, he said he doubted whether an extraordinary Budget was not altogether a mistake. Well, that is my thunder. Lord Lytton has stolen my policy, and described it as his own. But what, I ask, was the position in which these revelations placed the Secretary of State for India. Lord Salisbury, believing that Extraordinary expenditure applied exclusively to reproductive outlay, has continually expressed his satisfaction and his pride at the large surplus receipts of ordinary Revenue in India. Last year, in March, in “another place,” he boasted of having carried into the Indian Exchequer £8,671,000 in four years of real surplus. The Under Secretary, under similar delusions, boasted of magnificent surplus receipts. In February last, I denounced these calculations as simply fudge. I charged the officials in India with manipulating—that is, “cooking the accounts.” This expression was met with indignant condemnation. But it was true. The Financial Minister and the Viceroy himself admit that the accounts were delusive and deceptive. Under these circumstances, I think an apology is due to myself for the impertinent language applied to me by the Under Secretary of State. But I have

no expectation that any such reparation will now be made. So much for the present position of Indian Finance. Now let us look to the proposals for the future. The Indian Finance Minister has told us that no new taxation was to be imposed in India during the present year for Imperial purposes. He announced, however, that a large extension of what was called the scheme of decentralization was to be made. Very few hon. Gentlemen possibly understand what this means. I shall endeavour to explain it; and I shall use Sir John Strachey's own words. The policy of decentralization applied to a Province means that this Province was to be compelled to meet its own local requirements in the future. And, so far as I can see, this principle is to have retrospective effect. Ostensibly this appears a fair and reasonable proposition; but it really was a most tyrannical policy in its application. It would be very fair to make a Province responsible for its requirements, and to compel a Province to pay the interest of loans incurred for its necessities, provided the Province was autonomous, provided the people had a voice in the outlay, and had approved of the works, and had sanctioned the outlay. But when these undertakings were carried out by an autocratic Government, swayed by a corrupt Public Works Establishment, without consultation, and often against the express desire of the owners and farmers of the Province, then to compel the people to recoup that Government for the expenditure incurred, when the works proved to be total failures, was rank tyranny. Now that was the policy to enforce which a strenuous effort was now being made in the Province of Lower Bengal. That Province had been in the hands of speculative engineers for the last seven years. On irrigation canals alone £4,000,000 had been expended up to 1875, and the plans to complete the undertakings required some millions sterling more. The works did not return a shilling outlay; they were worked, in fact, at a great loss. I can enumerate these works and their present cost. First, there was the Orissa Canal. Capital in 1875, with unpaid interest on the capital, £1,912,000. The interest on that capital is £95,000. The loss on working this canal in 1875 was £16,000, and therefore that canal cost the Government £111,000 a-year.

Mr. Smollett

Then there was the Midnapore Canal—capital £750,000, interest £37,500, loss on working £1,500, and total loss on these two works £150,000 a-year. Lastly, there was the great Soane work, estimated to cost £3,000,000; but up to 1875 £1,200,000 only had been spent. This work yielded nothing, and, apparently, it never would yield anything. The three works have cost £4,000,000, and several millions sterling were needed to complete them. Well, what was the proposal to recoup the Government under this decentralization system. It was this—the Lieutenant Governor of Bengal has been ordered to levy what I may term a benevolence of £275,000 a-year to recoup the Government for this most wasteful outlay. From whom was the benevolence to be levied, from the landlords?—the Government would not undertake to levy this blackmail from the peasantry, because the tax or cess would lead to agrarian outrage. The landlords are told they may recoup themselves if they can. Any outrages that might follow would be attributed to landlord rapacity. This was the system about to be introduced to bolster up the Public Works Department; I think I am justified as denouncing it as atrocious. It was well for the Government of India that the population of Bengal was unwarlike, and was disarmed. If the country was occupied by a military population, and if the Indian Government had a neighbour like Russia to stir up strife, this Province under such a system of administration would be made too hot for the British authorities. Holding those opinions, I am not disposed to sanction a Bill to raise money in support of an execrable policy. I may be told that the money was needed to meet the Famine Expenditure, and that it was not to be spent on Extraordinary Works; I beg to meet such an assertion with the most positive contradiction. It appeared from the public accounts presented to the House that the amounts expended upon “Public Works Extraordinary,” a great portion of which had been wholly unproductive, were in the last six years more than £21,000,000 sterling. The expenditure under this head in 1872-3 was £2,184,500; in 1873-4, £3,553,500; in 1874-5, £4,249,500; in 1875-6, £4,146,000; in 1876-7, £3,800,000; and in 1877-8 the sum entered in Sir John Strachey’s Budget was £3,628,000, making in round numbers an expendi-

ture of £21,500,000 in six years upon unproductive Works. The excess of Imperial expenditure over income during the same period stood as follows:—In 1872-3, £419,000; in 1873-4, £5,360,000; in 1874-5, £3,930,000; in 1875-6, £2,601,000; in 1876-7, £6,076,000; and in 1867-8 the deficit was estimated at £4,250,000. Thus in six years the deficits amounted to £22,600,000, while £21,500,000 had been expended on extraordinary and unproductive undertakings. But for this expenditure upon worthless Works there would have been nearly an equilibrium of income and expenditure, and no addition to the Public Debt of India would have been required. In the Estimates of 1877-8 there was an item of more than £3,500,000 sterling for unnecessary Works. If this be struck out from the Estimates no loan in London for Indian purposes would have been needed. To raise a loan in Great Britain when money was being squandered in India upon Public Works Extraordinary was a proposal to which I shall not give my assent. In conclusion, I beg to second the Amendment moved by the hon. Member for the Kirkcaldy Burghs.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the present rapid increase of the debt of India, notwithstanding the enjoyment of profound peace, is inconsistent with financial prudence, and renders necessary such a revision of the system as may provide, during times of peace and prosperity, a large margin of income applicable either to reduction of debt or to works really remunerative; and, in order to carry the above securely into effect, a high and independent authority should decide whether expenditure which it is proposed to exclude from the ordinary account may be properly classed under ‘extraordinary,’ as being, from a commercial point of view, a prudent investment likely to pay,”—(*Sir George Campbell*),

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. LAING said, that he had abstained from taking part in discussions on Indian finance for some time, because he thought the more they talked about India the more harm they did. There was a constant tendency, as far as he had seen, in this country both to swell expenditure and to diminish receipts. He did not want to go back to old times,

when India was involved in wars by Imperial considerations for which she had to pay; but to come to more recent times, he thought the amalgamation of the Indian with the English Army after the Indian Mutiny was effected in a much more expensive way, because the views of England were forced upon India contrary to the opinion of Lord Canning—a statesman then on the spot. He believed that it was owing very much to the manner in which that amalgamation was effected that Indian finance was now embarrassed, and that with a diminished military force we were not able to realize reductions of expenditure which we had a right to expect. With regard to the question of public works, upon which the hon. Member who spoke last had dilated with so much vigour, he could perfectly well recollect the very strong pressure put on the Government of India in this country, in the direction of spending money on public works, especially navigation and irrigation.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present;

MR. LAING continued: With regard to famine, which had cost so much, there could be no doubt that opinions expressed in English newspapers that lives might have been saved by increased expenditure had an influence on the officials in India, and tended very largely to increase expenditure. He mentioned that simply as showing how expenditure had been increased. Then, if they looked to the revenues of India, as far as he knew, the influence exerted in this country by a party would go to the destruction of the whole duty from opium, to sap and utterly derange the whole fabric of Indian finance. There were cases in which English opinion brought to bear on Indian finance had done injury; and he thought that it was a credit to the good sense of the House that in the main it left Indian questions of finance to those who were acquainted with the details. The issue at stake appeared to be this—Two great calamities having overtaken Indian finances—that caused by the famine and that caused by the depreciation of silver—the question was, how were they to be met? The Government proposed to meet them by raising a small loan and so tiding over the evil

time; whereas the hon. Member for the Kirkcaldy Burghs (Sir George Campbell) thought the best way to grapple with the difficulty was by resorting to heroic measures, and by raising the necessary funds by increased taxation. For his own part he preferred the Government scheme, and he thought the hon. Member for the Kirkcaldy Burghs did not thoroughly appreciate the dangers that might result from increased taxation in India, and that he had exaggerated the financial difficulty of the position in which they now stood. He (Mr. Laing) was satisfied that increased taxation would be attended with a great deal of discontent and must necessarily lead to much oppression in that country; and he felt that the present state of that part of the Empire did not warrant us in resorting to a plan which must lead to such a result. In order to arrive at a just conclusion upon the subject, however, hon. Members should have a clear view of the present position of Indian finances. Taking the last nine years, he found that six of them had been years of surplus and three of deficit. The aggregate surpluses amounting to £8,476,000, and the aggregate deficits to £5,588,000, which left an average annual surplus extending over the whole nine years of £320,000. It was true there had been an additional extraordinary expenditure spread over those nine years of £18,733,000. With regard to that extraordinary expenditure it was impossible to draw any rigid line and say what should be charged to capital and what to revenue. If they had carried out the rigid doctrine that no public works were to be charged to the capital, it would have been impossible to construct any railways in India. The railways which they were now constructing might not be so productive as the Great Trunk lines laid down by Lord Dalhousie; but they were constructed at less cost, and were now yielding 5 per cent. It had been urged that the revenue of India was not sufficient to meet the requirements of the country; but he did not think the statement was accurate. It was true the finances of the country were not in a brilliant or flourishing condition; but he thought it could not be denied that a very sound and steady progress had been made, notwithstanding the fact that the income tax had been repealed. There had been an increase,

Mr. Laing

for instance, under the head of the land tax, the customs, the salt duties, the stamp duties, and the revenue derived from public works, which included the State railways and irrigation works. As regarded opium he compared the yield from it for a number of years to prove that its returns had been uniformly steady, and he did not see why it should not be so for the next 10 or 20 or 30 years also. But for the disturbing elements of the change in the value of silver last year and the famine there would have been a considerable diminution in the expenditure, accompanying a large increase of revenue. With regard to the depreciation in the price of silver, he thought it would not be well to take any steps until sufficient time had elapsed to enable the Government thoroughly to appreciate the difficulties of the situation, the chief of which was owing to the exigencies of trade, the substitution of a gold currency and standard of value for the silver standard which had existed up to the present time. The two disturbing causes in respect of Indian finance to which he had referred—namely, famine and the depreciation in the price of silver—ought to be watched by the Government with care and caution; and above all they ought not to launch into extraordinary expenditure for public works, even such as were likely to prove profitable, as freely as in other circumstances they would be justified in doing. The most stringent economy possible ought to be exercised; but that was a thing which could not be enforced by Resolutions of the House of Commons or by Reports of Select Committees. It involved questions of detail to be dealt with by a prudent Governor General with able men under him, and who would go through the almost innumerable items of expenditure one by one, and see where consistently with efficiency reduction was possible. India, in fact, must be governed in India. They ought to appoint the best men that could be found for the high position of Governor General, and then give them a full and generous confidence. For his part, he believed that the Government of India had been well and wisely carried on for the last 20 years. Mistakes had, no doubt, been committed; but, on the whole, the Government had been prudently conducted, and the finance of India had been wisely administered by

a succession of men of precisely the type which the circumstances required. He had been somewhat alarmed by some of the wild utterances on the part of the present Governor General with regard to frontier policy indicative of a departure from that wise policy of masterly inactivity inaugurated by Lord Lytton's predecessors. But he was glad to learn from a speech of the Marquess of Salisbury that such a course as the one suggested by those utterances was really not intended. He, therefore, presumed they might be considered as a little effervescence on the part of a man of genius going out to India with fresh impulses; and he had no doubt Lord Lytton would be sobered down in his policy when he came under the influence and experience of the Indian Council. Such a departure from the wise course as the utterances of the noble Lord pointed to could not be attempted without a serious interference with Indian finance. With wise economy, he believed the present difficulties would be removed, and that India would recover from the temporary causes of depression which now existed and be more prosperous in the future than she had been in the past.

MR. ONSLOW expressed his regret that an attempt should have been made to count out the House in the midst of so important a discussion, and he felt sure the proceeding was one which would be resented by the country. He had read the Financial Statement of Sir John Strachey with much interest. He was glad that Statement had been made openly before the Council instead of being published in *The Gazette*. He feared that the hopes of Sir John Strachey with reference to his ability to remit or reduce taxation in India were too sanguine. One of the taxes he trusted to be able to remit was that on inland Customs, which brought in £2,500,000; but he (Mr. Onslow) did not think that the finances of India would for many years be in a state to bear that extraction. It would be a long time, too, before they could afford to give up the £850,000 duty on cotton goods, whatever they might individually think of that impost, and the day was distant when the financial position of India would justify them in abolishing the duty on salt. No doubt the duty pressed upon the masses somewhat; but the masses ought surely to

pay something towards the expenses of the Government of India. He was afraid the Budget last proposed was rather of a sensational character, but the time had gone by for sensational Budgets in India. The increase of Bengal paper currency from £4,000,000, in 1864, to £12,000,000 at the present time was a proof of the prosperity of the country. He could not see that the circulation of five and 10 rupee notes was necessarily an argument against a gold coinage in India. The real objection to a gold coinage was the impossibility of regulating the ratio between the silver and gold currency. The Government had been called upon for further economies; but successive Governments had honestly tried to reduce the public expenditure as much as possible, and he did not believe that in any one branch of Indian expenditure any material economies could be made. The question of additional taxation was of serious importance. Mr. Wilson had tried the imposition of an income tax; but it had been taken off by one Indian financier, and again imposed and again taken off by his successors. It would never be popular in India, and he could not see how the Government would ever be able to get at proper returns. The difficulties of collection, owing to the frauds practised by the Natives, were insuperable. The salt duties had been enhanced, but the duties on Customs were not capable of any further increase. Tobacco had been specified as a means of raising additional revenue, and no doubt the Government could raise a certain amount by taxing it; but the tax would fall on the very people who now consumed salt, and who could not well bear the two imposts. He thought that by a system of licences, first proposed by Mr. Massey, more might be done to raise additional revenue than by a hard-and-fast income tax, and we might have to resort to a licence tax some day. The objection to succession duty was that you would never be able to ascertain on whom and on what to impose it. It was a most difficult thing to tax the people of India for the purpose of obtaining additional revenue. He could not see the immorality that was said to exist in the imposition of the opium duty, considering that India merely provided as a merchant a certain commodity which people out of India were glad to obtain; and therefore he

hoped no Viceroy of India would entertain the idea of taking off £6,500,000 of net revenue, which it would be impossible at the present time to raise by any other tax. No doubt the item of Public Works Extraordinary offered a temptation to include unremunerative works, accompanied by plausible reasons why they might be regarded as highly remunerative in the future. He believed it better to spend money on railways than on irrigation works, because the Natives would rather starve than take the water, while railways would be of great use for the transport of food to avert famine. Scarcely one of the irrigation works could be considered remunerative; only two were paying their working expenses; but he believed we should ultimately derive a revenue from the railways. We had made advances to Bombay on the security of a special land fund, and, although the land had been valued at £3,000,000 or £4,000,000, and afterwards at £8,000,000, the land had not been sold on account of the depression of trade. He should like to hear how much of the money advanced on this security had been repaid; and he hoped the House might now rely upon the assurance that had been given that no more public works would be undertaken unless investigation showed that they were likely to be remunerative.

GENERAL SIR GEORGE BALFOUR said, that during the 22 years that had elapsed since Lord Dalhousie left India the debt of India had, with the exception of a few years, yearly increased. Assuming the year ending 30th April, 1857, to have closed his great administration, the debt in India and in England was about £59,000,000. At present, it might be about £135,000,000 or £136,000,000. It was necessary to speak in this qualified manner as to the exact amount of debt owing to the many changes in the annual accounts, which rendered it impossible for any private Member of the House of Commons to make out, with any exactness, the real state of the indebtedness of India. The increase of debt in 22 years might then be taken to amount to about £76,000,000 or £77,000,000. In that amount was included the adjustments made in respect to the settlement of the Proprietors Stock of East India Shares, and the Security Fund lodged at the Bank of England for that Stock. It might also be accepted

Mr. Onslow

as covering the debt due to the service funds, which, having been taken over by the Government, necessarily led to the accumulations of those funds being also taken over, and that debt, formerly included amongst the "obligations" bearing interest, was then cancelled. But the accounts failed to show with clearness the real state of those transactions. Within seven years after Lord Dalhousie's administration the debt increased from £59,000,000 to £104,000,000; in the three years following it was reduced to £98,000,000; but since 1866 not a year had passed without an increase; and since 1868 it had swelled up by borrowings to about £35,000,000 or £36,000,000. Unless a great change was made in the present scale of expenditure, the debt might augment in a higher ratio in the future than in the past. A comparison of the 22 years' total income and gross expenditure showed, that there had been only five years in which there had been a surplus of revenue over expenditure, and in 17 years the expenditure had largely exceeded the income. The surpluses amounted to upwards of £4,500,000, the deficits to about £73,000,000, leaving a net excess of about £69,000,000. The year which closed Lord Dalhousie's great career, left a surplus. The year which might be said to have closed Lord Canning's financial administration also left a surplus, through the aid which his hon. Friend the Member for Orkney (Mr. Laing) so ably gave in restoring the finances of India. In Lord Mayo's administration surpluses were also left; but in all the other years the statement he had tried to compile showed yearly deficits so large in amount that during the last five years ending with the 31st March, 1877, the deficit amounted to £18,000,000. He stated these figures with great diffidence, for it was difficult for anyone outside the India Office to make out, from the often altered forms and entries, the real amount either of income or gross expenditure. The result of all these deficits was a debt of £76,000,000, of which only £34,000,000 was caused by extraordinary expenditure for public works and famine relief, and we were now about to add £10,000,000 more, including the borrowings in India and England. That was a dangerous condition of things, and there was no reason why India

should escape the fate of other countries whose expenditure during a series of years exceeded their income. Not only the military, but also the civil expenditure of India had largely increased of late years. The cost of collecting the Land Revenue, the Customs, the Stamp Duties, the Post Office, Telegraphs, and various other items of the same kind—which had been regarded as a permanent charge—had increased from £9,000,000 in 1868 to upwards of £10,000,000 in the present year. Again, the charges for administration, law, justice, police, education, medical services, &c., were estimated for 1876-7 at upwards of £12,000,000; whereas in 1868 the expenditure under the same heads was only £10,000,000. It was most important that they should endeavour to control in this country the vast expenditure now going on in India. With regard to military expenditure, the noble Lord intimated that they might expect it to undergo some further increase. By the decision of the War Office in this country, India was obliged to receive from the Home Army a large European force to garrison India. Even if Imperial policy dictates to the Government of India that a special European Force for India should not be separately maintained, he thought it would be only fair that the Government of India should have some voice in the arrangements connected with that force, which was maintained at an expense far beyond what needed to be incurred, and casting a very heavy burden on India. There could be no doubt that the organization of the 60,000 men supplied by the War Office to India could be greatly changed, and that, without sacrificing any efficiency, or reducing one private, the expenditure for India could be greatly reduced, and the Home Charges, including the cost of recruiting, also largely lowered. The increased charge for that force was indicated by the noble Lord and by the Finance Minister of India, as one of the many causes requiring money to be raised on loan. The Finance Minister had also placed on the Home Administration of India the entire responsibility for that increasing charge, and intimated that some measures must be adopted to provide additional funds for meeting the yearly augmented military charges, and thus evidently referred to the necessity for additional taxation. But it was a

very difficult and even a dangerous thing to add to the taxation of that country. He remembered the time when the late Lord Canning impressed upon him the importance of reducing the military charges, thereby obviating the necessity of increasing the taxation of India, urging that it would be better to maintain our power in that country by a small military force than to keep up a large force, thereby adding to the taxation. Of all the difficulties which we might have to encounter in India, financial embarrassment was one of the greatest; and he would, therefore, strongly advise the Government to abstain from imposing fresh taxation. It would be a more wise and statesmanlike policy, if possible, to reduce taxation. The salt tax was one of the most unjust and oppressive taxes, and it was raised from the poorest classes. It was lamentable to think that a people who lived mainly upon rice should be deprived of a condiment so essential to health as salt. Although, financially, the retention of the duty on that article might be beneficial to the Government, yet, politically as well as commercially, it was a great mistake. If any statesman would boldly do away with that impost on salt alone, he would give a very great stimulus to commercial activity in India. So vast was the bulk of salt requiring transport that the 5 per cent now earned by the Rajpootana railway, mentioned by the noble Lord, mainly consisted of traffic earnings from the carriage of salt. An examination of the income of India during the past 10 years, clearly showed that financial progress had been but trifling. Indeed, the revenue might be considered to be stagnant. The land revenue, which formed so large a portion, was actually less in amount in the year ending 31st March, 1877, than it was in the year ending 30th April, 1866. So also with respect to other sources. After deducting the cost of collection, the net results were far from satisfactory; to that there was one exception, that was salt. But the increase in the salt tax was not traceable to increased consumption, but to increased taxation on that, the great necessity of the poor. It was that article which alone almost had been made to bear increased burdens. It was the article which the wealthy needed less than the poor, and it was the one

article which was invariably indicated as the article to be taxed. It might, therefore, be truly said that the revenue of that country was almost stagnant. Another change which he advocated was that of making India a free port. The net Customs revenue by land and sea might be said to vary, after allowing for a variety of charges of collection—for pensions, for buildings, and other items not shown in the accounts—to be between £2,250,000 and £2,500,000, and after taking off the duty on cotton goods, there would be about £600,000 on exports, and the same sum levied on a great number of articles forming the imports. If that country could be thrown open to the commerce of the world, he believed its revenues would greatly increase, and that any sacrifice of revenue from customs, incident to that measure would be far more than counter-balanced by its beneficial results in respect to the political and contented feeling which would follow thereon.

MR. FAWCETT said, there were some considerations of a general character which, he thought, it was important the House and the country should clearly understand before sanction was again given to the piling up of this load of Indian debt. He could not forget that when the present Government came into Office those who took an interest in Indian finance had their hopes raised by being told by the Secretary of State that no public works should be undertaken in India except such as were certain to prove remunerative; that in connection with the construction of such public works as might be entered upon no money should be raised in this country, and that every effort should be made in order that the expenditure might be balanced by the revenue of the year. These were the principles which were to guide the conduct of the Secretary of State; but so far from their being observed, they were cast to the winds by the Bill which was about to be introduced for the purpose of giving authority to the Government to raise £5,000,000. Had this sum been necessitated by the famine he could not, of course, have held the Government responsible. But what was the financial position of India at the present time? It was this—£5,000,000 might be borrowed in England; £2,500,000 had been borrowed in India; and £900,000 more

had been borrowed from Native Chiefs, making altogether close upon £8,500,000. But for how much of this £8,500,000 was the famine responsible? He took the estimate of the Finance Minister himself; and that was that the estimated cost of the famine for the present year was only £2,100,000. How, then, were the remaining £6,500,000 to be accounted for? Simply by the fact that the Secretary of State had not kept, or could not keep, to the principles which he laid down for himself when he took office. The finances of India had been presented with a roseate hue, and he had no motive for depicting them worse than they were. The views of the Under Secretary would be correct if the assumptions on which they were based were well founded. Those assumptions were, first, that all outlay on famine was to be treated as an extraordinary expenditure; and, second, that all money expended on extraordinary public works was certain to prove remunerative. The declarations of the officials showed that both these assumptions were absolutely unfounded. In three places Sir John Strachey gave distinct and emphatic warnings that famines were so certain to recur that they must be anticipated exactly as a farmer looked for occasional bad harvests. Sir John Strachey selected the seven years from 1869-70 to 1876-7 as representing the normal condition of Indian finance, in spite of the occurrence within them of the Bengal famine. During the last 10 years there had been four famines—in the North-West, in Orissa, in Bengal, and now in Madras and Bombay; and Sir John Strachey said these 10 years could not be treated as exceptional years. The most important fallacy was the assumption that extraordinary public works were remunerative. The noble Lord the Under Secretary tossed his figures about and said there were so many millions of surplus, and that the debt was to be regarded as capital outlay; but again and again had he contended that there was not a tittle of evidence to show that the money was laid out on remunerative and productive works. £30,000,000 or £40,000,000 had been expended on extraordinary public works; but during the last 10 years no inconsiderable proportion of the outlay had been upon works which, from the nature of the case, though they would be useful, never could

return any direct revenue in proportion to the amount expended upon them. £14,000,000 had been spent upon worthless barracks. There was no point upon which Sir John Strachey was more explicit than this—that only a portion of the outlay classed as extraordinary had been devoted to works that could be considered reproductive. In the present year, of £3,600,000 so classed, one-third had been devoted to the construction of railways which could not give a fair return. They were designed, not for commercial, but for political and military purposes, and the outlay ought no more to be regarded as reproductive than the expenditure on fortifications. There was another extraordinary fallacy running through the comparison made by the Under Secretary of State, and also by the hon. Member for Orkney (Mr. Laing), as to the revenue of India in relation to its expenditure now and some time since. That comparison, as it seemed to him, was worthless, as they were considering not net revenue, but gross revenue, and that gross revenue was swelled by items which could not be considered revenue at all. In 1876-7, for example, the real revenue—the amount which the Government of India had to spend—was not £51,300,000, the amount named by the Under Secretary, but about £40,000,000 only. The land revenue was set down at £21,500,000, but there ought to be deducted from that the cost of collecting it—namely, £2,500,000. Forests yielded £600,000, but this was obtained at a cost of over £400,000. Then, again, the salt revenue, and the opium revenue, cost a considerable sum in collection, and the Post Office revenue, which was put down at £700,000, was obtained at an outlay of £800,000. In the same year not less than £1,500,000 was lost by exchanges. Yet on the revenue side there was an item, “gain by exchange £500,000.” It might just as well have been put down at £5,000,000. Making these deductions, the revenue of India at the present time, instead of being £51,300,000, was not a penny more than £40,000,000, and that was all that the Government of India had to spend. In the years 1867, 1868, 1869, and 1870, the net revenue was somewhat higher than the net revenue in 1875-6. This was a significant fact, and threw an instructive light on the misleading comparisons made for the

purpose of showing an alleged growth of revenue. Now, the proper way of getting a fair estimate of revenue was to take not the gross, but the net amount, which he again asserted was at the present time not more than £40,000,000. He would compare that fact with one or two others. The Army expenditure could not be estimated at less than £18,000,000. He knew it was put down at £16,000,000, but there were various additional items that ought to be classed with the Army expenditure, which brought up the amount to the figure he had named. It was an increasing expenditure, and would soon absorb one-half of the total net revenue. He regarded the amalgamation of the two Armies as an unfortunate mistake. A poor country like India was unable to bear the strain of an Army managed on the same principles as our own. Sir John Strachey, in his recent speech, stated that the Army expenditure was steadily increasing, and significantly added that the authorities in India had scarcely any control over it. This was the most serious fact connected with the financial position of India at the present time. The Indian Army expenditure was bound up inseparably with our own; and when costly experiments were carried on which England was well able to afford, it was apt to be forgotten that part of the burden had to be borne by a poor country which could not afford them. The Under Secretary had admitted that the Home charges were steadily increasing. This year they found that no less than £16,000,000 were to be remitted home out of a net revenue of £40,000,000, and yet a new loan of £8,500,000 was now to be provided for. Such a policy could not be justified, and would lead to increased financial embarrassment. But it was said by the noble Lord the Secretary for India—"We shall improve our system of accounts, and we are going to set up a great scheme of decentralization." No tossing backward and forward of figures, however, would enable the Government of India to make good a deficit when they were spending more money than they possessed. We were about to lay out a large sum on public works; but, looking on the subject by the light of past experience, could any one say, taking into account the poverty of India, that we were pursuing a wise course in sanctioning the continuance of

that policy? The expenditure up to the present time on seven irrigation works was £9,100,000, and the net result was, allowing nothing for interest during the time of their construction, a charge of £320,000 a-year, so that every shilling of this money was spent on unremunerative undertakings. As to the system of decentralization, he could only say that while he did not mean to argue against it, it had its dangers and ought to be carefully watched. There were irrigation works at Orissa on which about £2,000,000 had been laid out, but they did not pay the working expenses, and it seemed somewhat hard that those unremunerative works should be thrown suddenly as a local burden on the people of Orissa, who had no more responsibility than he had for their construction, in consequence of bungling and mismanagement. The Government conferred upon the local authorities to whom such works were handed over the power to raise new local taxes, in order to make good the money required for undertakings which would not pay. But how was the money to be provided? It must be by taxation; and it was a grave danger associated with the scheme of decentralization that its inevitable result would be to lead to the imposition of manifold local burdens which would be withdrawn from the notice of the House of Commons. The noble Lord, he might add, had referred to the appointment of a Committee, and if he had agreed to that course when he himself had asked for the appointment of a Select Committee to inquire into the financial condition of India he should gladly have accepted his offer. But be that as it might, there was one branch of our Indian expenditure—he alluded to the military expenditure—which ought to be inquired into without delay, for it had grown in a few years after the amalgamation of the European and Indian armies, notwithstanding a reduction of 13,000 in the numbers of the former, and of 5,000 in those of the latter, from £14,800,000 to over £16,000,000. Although he had sometimes spoken strongly on the subject of Indian finance, he was quite ready to recognize the difficulties of the task which the authorities, both in England and India, had to perform, and his only object was to strengthen their hands. He knew very well that the House had

Mr. Fawcett

seldom interfered in the matter of Indian finance, except for the purpose of throwing new charges on the revenues of India. He thought it was greatly to be regretted that the influence of this House should be used in order to obtain money from the Indian revenue. His chief wish was to see a sufficient surplus in ordinary years to cover such events as famine; but he could not think Indian finance wholly satisfactory when the authorities had to borrow money in this country for public works. Nor could the finance of India be considered satisfactory until there was a true balance, on an average of years, between revenue and expenditure; until the system of constantly adding to the debt came to an end; until the Government declined to be the sole constructors of public works. If Government would leave something more to private enterprise, what had happened in other countries would happen in India. Sooner or later English capitalists would invest their money in a country enjoying peace and security under British rule, instead of in foreign adventures, which often turned out deceptive.

LORD GEORGE HAMILTON, in reply, said, that he fully appreciated both the motives and the criticisms of the hon. Member for Hackney (Mr. Fawcett); but he doubted whether he had entirely apprehended his argument. He did not sanction the principle that "Famine expenditure" should be excluded from the Budget. His own contention had been very different; and he had endeavoured to show that there was a large margin available for exceptional contingencies, among which was famine, which could not be considered as altogether abnormal. Neither could he describe as abnormal the expenditure on public works. The Indian Government had sanctioned a certain amount of expenditure for that purpose in the time of the late Ministry. Those works had been begun, and as they could not very well be abandoned, Lord Salisbury had permitted them to be continued; but for the future no works would be undertaken that would not pay interest on the money advanced. As for the Army expenses, they were certainly very heavy, but not more so than they had been some time back. The hon. Member for Cambridge (Mr. Smollett) complained of certain public works which

did not pay their working expenses. That was true, but it did not follow that all others were worked at a loss. With regard to the Madras Harbour, the hon. Baronet (Sir George Campbell) would find it under the head of "advances." The advances were made with the understanding that the Madras Government would pass a Bill to enable them to tax the shipping that came into the harbour, and thus repay the outlay. [Sir GEORGE CAMPBELL: Was that Bill passed?] No; but their attention had lately been called to the subject, and they had been requested to take the necessary steps. The hon. Member for Hackney (Mr. Fawcett) had raised objections to further "decentralization," in which there might be some force; but, if he recollected aright, he made the same objections against Lord Mayo's decentralization plans, which were now universally admitted to have been successful. With regard to the hon. Baronet's Amendment, he did not know that there was much difference of opinion as regarded the expenditure on public works extraordinary. He hoped, as there would be subsequent opportunities for expressing an opinion in regard to the loan, he would not press his Resolution to a division, but allow the House to go into Committee.

Amendment, by leave, withdrawn.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

MATTER considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That it is expedient to enable the Secretary of State in Council of India to raise a sum, not exceeding £5,000,000, for the service of the Government of India, on the Credit of the Revenues of India."

SIR GEORGE CAMPBELL could not help saying that the House had been taken somewhat by surprise as to the amount of the loan proposed to be raised in this country. He understood it was only necessary to raise £6,000,000 in all, of which £2,500,000 was to be raised in India; but instead of £3,500,000 the Government now proposed to raise £5,000,000. He did not think a sufficient explanation had been given when it was said that the amount would be

raised on short-dated Treasury notes, the object being that the loan should not be a permanent one in this country.

LORD GEORGE HAMILTON explained that the Finance Minister in India requested that £3,750,000 should be raised in this country, a sum which was very much less than what at first the Indian Government wished to raise. But the Secretary of State, always believing that it was most impolitic to increase the Indian debt here, has resolutely refused to borrow more than was absolutely necessary, and at some inconvenience referred the subject back to the Indian Government. He explained in the early part of the evening that they could not safely estimate the loan that it would be necessary to raise at less than £2,500,000, and he hoped the House would give power to increase the Funded Debt in this country to that extent. But then there were great difficulties arising from the disturbed state of the silver market which made it absolutely necessary to have some reserve. Some emergency might arise—there might be some heavy fall in silver—which would make it impossible for them to sell their bills. Fluctuations, such as those which had occurred last year, might occur again, which might make it most impolitic for them to force their bills, at all risks, upon the silver market. The German Government had resolutely refused to state what quantity of silver they had got to sell, or whether they meant to sell it, but that they had a large amount in reserve was well known. He had applied for information to two well-known silver merchants in London to know what amount of silver had been sold by Germany, and one of them estimated it at the value of £7,600,000 from the commencement of June, 1876, to the commencement of June, 1877, and the other at £8,225,000. It was therefore necessary to ask for this reserve. By assenting to the Resolution now proposed the House was not bound to any sum whatever; but it was necessary it should pass before the Bill was brought in, when a full discussion could take place on the whole subject.

MR. FAWCETT said, that under these circumstances he should not oppose the Resolution, but reserve to himself full power to move the rejection of the Bill on its second reading, or take any other course he thought proper.

Sir George Campbell

MR. LAING believed it was necessary for the Government to have a reserve, and as the Resolution was a mere matter of form he hoped it would be allowed to pass.

Resolution agreed to; to be reported To-morrow, at Two of the clock.

PUBLIC WORKS LOANS (IRELAND)
BILL.—[BILL 139.]

(*Mr. Raikes, Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Preliminary.

Clause 1 (Short title) *agreed to.*

PART I.

Amendment as to Loans to Local Authorities and Remission of Sundry Loans.

Clause 2 (Charge of interest on local loans in Ireland, and provisions as to their issue and remission.)

Amendment proposed, in page 2, line 11, to leave out from the beginning of the Clause to the word "Exchequer," in line 20.—(*Mr. Bruen.*)

SIR JOSEPH M'KENNA supported the Amendment.

MR. W. H. SMITH opposed it, and stated that the interest charged was only sufficient to secure the Exchequer against loss.

Question put,

"That the words 'All advances out of the Consolidated Fund made by way of loan after the passing of this Act,' stand part of the Clause."

The Committee divided:—Ayes 111; Noes 32: Majority 79. — (Div. List, No. 185.)

CAPTAIN NOLAN proposed the insertion of the word "lower" in the clause, believing that 3½ per cent would be sufficient.

MR. W. H. SMITH objected.

CAPTAIN NOLAN considered that it would be more convenient not to fix the loans at the high rate proposed in the Bill.

MR. BIGGAR was understood to concur in that view.

Amendment, by leave, *withdrawn.*

SIR JOHN M'KENNA moved the insertion in line 20, after "without," of the words "profit or," before "loss to the Exchequer," the object of the Amendment being that no profit should be made out of a loan.

Amendment proposed, in page 2, line 20, after the word "without," to insert the words "profit or."—(Sir Joseph M'Kenna.)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 30; Noes 110: Majority 80.—(Div. List, No. 186.)

Clause *agreed to*.

Clause 3 (Recovery from grand jury of advance made.)

MR. BIGGAR moved that Progress be reported.

MR. W. H. SMITH hoped the hon. Member would not press the Motion, the Bill being one of importance to Ireland, and the remaining Amendments being unlikely to occupy the Committee more than a few minutes.

MR. BIGGAR said, he would give them five minutes more.

Motion, by leave, *withdrawn*.

Clause *agreed to*.

Clause 4 (Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.)

CAPTAIN NOLAN moved the omission of the clause.

Question put, "That Clause 4 stand part of the Bill."

The Committee *divided*:—Ayes 90; Noes 16: Majority 74.—(Div. List, No. 187.)

MR. R. POWER, remarking that the five minutes generously given by the hon. Member for Cavan had expired, moved to report Progress.

THE CHANCELLOR OF THE EXCHEQUER said, he had no wish to press the Bill on if Irish Members were unwilling, but he intimated that it would be impossible to fix an early day for resuming the Committee.

After some discussion,

Motion *agreed to*.

Committee report Progress; to sit again upon *Thursday* 5th July.

SHERIFF COURTS (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Law in regard to the appointment of Sheriff Substitute and Procurators Fiscal in Scotland; to extend the jurisdiction and amend the procedure in the Sheriff Courts of Scotland; and for certain other purposes, *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time [Bill 209.]

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (LEITH) BILL.

On Motion of The LORD ADVOCATE, Bill to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the burgh of Leith, *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 211.]

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER CONFIRMATION (GLASGOW) BILL.

On Motion of The LORD ADVOCATE, Bill to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the burgh of Glasgow, *ordered* to be brought in by The LORD ADVOCATE and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 210.]

POST OFFICE MONEY ORDERS BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law with respect to Money Orders granted or issued by or under the authority of the Postmaster General, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Lord JOHN MANNERS.

Bill *presented*, and read the first time. [Bill 212.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 22nd June, 1877.

MINUTES.] — PUBLIC BILLS—*Report*—Game Laws (Scotland) Amendment (97-118). *Third Reading*—Oyster and Mussel Fisheries Order Confirmation* (73); Fisheries (Oysters, Crabs, and Lobsters)* (108), and *passed*.

GAME LAWS (SCOTLAND) AMENDMENT
BILL—(Nos. 44-97.)

(*The Earl of Rosebery.*)

REPORT OF AMENDMENTS.

Amendments reported (according to Order).

THE EARL OF MINTO proposed, in Clause 3 (Interpretation Clause), to leave out the 4th sub-section, by which the word "Game" is interpreted to include "all the animals enumerated in the Game Acts, or any of them," and to give a distinct enumeration of the animals that were included within the purview of the Act. The noble Earl said that in an Act of this kind, it was far better to have a distinct definition of what game really was, rather than define it by scheduling a number of Acts of Parliament—some of which were obsolete—and enacting that the animals which were defined in those Acts as game should be taken to be game under this Act. For instance, the first Act referred to in the Schedule, "an Act of the Parliament of Scotland, passed in the year 1587, chapter 43, entitled 'Aganis slayeris of deir and utheris wyld beastis.'" That Act was obsolete. Again, in the discussion of the measure in Committee, he asked his noble Friend who had charge of the Bill, whether wood-pigeons were included in any of the Acts referred to in the Schedule of the Bill. Now, he himself should interpret it as including wood-pigeons; but the noble Earl said that he did not know. Now, it seemed to him (the Earl of Minto) to be monstrous to legislate upon the subject without knowing the scope of the proposed Bill. Was it or was it not intended to include wood-pigeons, because they were certainly quite as destructive to the crops of the farmer as any other birds which were enumerated in the Acts scheduled. There was no question that this Bill dealt with animals *feræ Natura*, and with a large number of animals that were especially enumerated as "game" in the former Acts. Now, on looking at one of those Acts, the first birds enumerated in the list of game were "bustards." But there was not a bustard in the whole of Scotland—they might just as well insert "pterodactyls" in the list. Again, it was only very recently that snipes, woodcocks, herons, and quails were

made game, and then only incidentally, by their being included in the Act passed in the Session of William IV., called the Game Trespasses Act. Before that time they were not game at all. That Act referred entirely to trespasses on property, and it might be quite right to punish persons for trespassing in pursuit of snipes and woodcocks as well as for trespassing in pursuit of any other birds. But it was quite another question whether the Schedule of other Acts could with propriety be called a sufficient definition of "game" as referred to in the Act itself.

Amendment *moved*, in Clause 3, to leave out sub-section 4, and insert as a new sub-section—

"4. The word 'game' shall mean, deer, roes, hares, rabbits, pheasants, partridges, grouse, black game, ptarmigan;"

and, after sub-section 4, add as a new sub-section—

"5. The term 'Game Acts' shall mean the Acts enumerated in the Schedule to this Act annexed."—(*The Earl of Minto.*)

THE EARL OF ROSEBERY said, there were good reasons why it would be very inexpedient to agree with the Amendment of the noble Earl. There were already seven or eight game lists, all of them very full and comprehensive in their character, contained in the several Acts enumerated in the Schedule, and it now appeared to him that the noble Earl wished to add an eighth list—which in his (the Earl of Rosebery's) opinion, would create a considerable amount of confusion, and only supplement in an imperfect manner what had already been done. But when he looked at the amended list proposed of the noble Earl, the first thing he had to consider was whether the lists which were already in existence were either too full or deficient; and it was quite clear from the speech of the noble Earl that he believed they were too full. Now, he did not think there was a rational Member of their Lordships' House but would agree that it was unnecessary to add another to the already existing game list. According to the noble Earl's idea, it would seem that he feared that the wood-pigeon was included because the term "wild beasts" was used, but it might just as well be held to include the Colorado beetle. There was the further objection to the Amendment of the

noble Earl that all the clauses of the Bill dealt with contracts; but the 10th and 11th clauses referred to the amendment of criminal procedure under the Game Laws enumerated in the Schedule, and the penalties of those Acts could only be exacted under the game lists in those Acts.

THE EARL OF MINTO said, he had no such wish.

THE EARL OF ROSEBERY: Then it was absolutely necessary to refer back to the other clauses.

THE DUKE OF RICHMOND AND GORDON hoped the noble Earl would not press his Amendment. He believed that all the game it was necessary to define was defined within the four corners of the Acts that had been scheduled. One very good reason for their not adopting the Amendment was, that in all likelihood it would tend to limit the definition of the word "game" to the animals therein enumerated; whereas the definition at the present moment was to be in accordance with the definition given to game in the Acts of Parliament which were scheduled.

THE DUKE OF ARGYLL also opposed the Amendment. He would point out that as the proposed definition would affect the list of game contained in all the Acts scheduled it would affect all prosecutions arising out of any of those Acts in respect of all animals, as well those that were not enumerated as those that were.

THE EARL OF MINTO said, that as he read the words of the Bill, "game" was to include all that was enumerated in the Schedules of other Acts; but, inasmuch as this was an Act to regulate the relation between landlord and tenants, he could not help thinking that the title of the Bill should be amended so as to correspond with that fact. Why should that fact not be set forth in the title? However, if their Lordships would not support him, he would not persevere any longer in arguing in favour of his Amendment.

On Question? *Resolved in the Negative.*

THE EARL OF SELKIRK moved an Amendment in Clause 3 (Interpretation Clause) to insert after the word "grass," in the definition of the word "crops," the words "under cultivation," so as to make the clause read, "the word crop shall include grass under cultivation."

The noble Earl said that he moved the Amendment at the request of the noble Duke (the Duke of Buccleuch), who was unable to be in his place to-night. The object of the Amendment was to except the grass land on moors and mountains from the operation of the Bill. It was perfectly clear that the framers of the measure had no intention of extending its provision to the tops of mountains, and to those large districts in which there could be no possible injury done by game. He therefore proposed to insert after the word "grass" the words "land under cultivation,"—unless their Lordships should be of opinion that the object could be better effected by the amendments which had been put on the Paper by the noble Earl (the Earl of Rosebery).

THE EARL OF ROSEBERY suggested that the object of the noble Earl might be better obtained by the adoption of the word "muirland," which was very well known to the Scotch law, rather than by the insertion of the words, "land under cultivation;" because, if they adopted those words, the matter would be left very undefined, seeing that some land might be partly under cultivation and partly muirland, and the adoption of such words would bring the whole of that land under the operation of the Act. With respect to the word "muirland," a very distinct definition of it had been given by Lord Cockburn in a Scotch cause. The object of the noble Duke (the Duke of Buccleuch) being undoubtedly to exclude the moors of Scotland from the scope of the Bill, he thought that if they added the words "except muirland," they would better effect that object than by using the words proposed by the noble Earl.

THE DUKE OF ARGYLL said, he did not think the matter one of very great importance, as in all probability the quantity of "grass land under cultivation" on moors would be very small; but a question might arise whether, if the words "land under cultivation" were adopted, it might not be taken to mean land under arable course of cultivation. He believed that the words suggested by the noble Earl (the Earl of Rosebery) were preferable to those suggested by the noble Earl opposite (the Earl of Selkirk).

THE DUKE OF RICHMOND AND GORDON said, he thought the word

"muirland" was preferable to "grass land under cultivation."

Amendment *negatived*.

Then, on the Motion of the Earl of ROSEBERY, Amendment made; subsection 5 *struck out*, and the following *substituted* :—

"5. The word 'crop' shall include 'grass,' whether intended for hay or pasture, except where grown upon muirlands."

THE EARL OF SELKIRK moved an Amendment in Clause 7 (Provisions as to arbitrations for settling claims of damage between lessors and lessees), to leave out the words

("When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising under this Act,") and insert ("In all cases where there is a clause in a lease providing for the settlement of disputes by arbitration, the case shall be at once referred to the arbiter pointed out in the lease; and where no such clause exists in the lease, it shall be competent for a lessor or lessee to refer such claims for compensation to arbitration, in which case")

If the clause were adopted in the present form, there would be two sets of arbitrators—those appointed under the lease, and those appointed under the Act. The effect, therefore, would be to render nugatory the provisions for arbitration under the lease.

THE EARL OF ROSEBERY reminded their Lordships that this was a point which had been decided in Committee, and he did not think that any additional reasons had been alleged by the noble Earl to induce them to change the decision at which they then arrived. If the Amendment of the noble Earl was inserted, no one would know under what arbitration disputes with respect to damage by game would come. He thought that it would be better to have one uniform arbitration like that proposed in the Bill.

THE EARL OF SELKIRK said, that the Amendment would certainly be an interference with the principle of arbitration as laid down in the lease.

THE DUKE OF RICHMOND AND GORDON ventured to urge upon his noble Friend not to press this Amendment. He quite agreed with him when he said that it was possible that disputes might arise under the lease; but it was equally possible that they might arise outside the lease, and the arbitration now proposed would enable them to dispose

of matters which were not contemplated in the lease. If this provision was inserted for the purpose of deciding the way in which all disputes arising out of the lease were to be decided, it was better to confine all decisions to one kind of arbitration. It was perfectly possible that the lease might contain nothing whatever in regard to game, and still it might provide for arbitration of disputes which might arise under the lease; but it could not possibly provide for the settlement of disputes arising outside the lease. In his opinion, the clause as it stood would work better than it would if amended in the manner proposed by the noble Earl.

THE EARL OF SELKIRK repeated, that when in the lease itself there was a clause to the effect that disputes between the parties should be settled in the way which was pointed out by the lease, that was the way in which the parties to the lease had contracted to arbitrate. It was therefore a plain infraction of the principle of freedom of contract to enact that they should be settled in another manner.

THE LORD CHANCELLOR said, that as far as he understood the argument of the noble Earl, it appeared to him that there were some grounds for his Amendment, and he was not at all sure that some change in the clause might not be introduced which, without affecting the general principle of arbitration under the Bill, would carry out his view. He understood the noble Earl to say that the provisions of the Bill would affect leases which were hereafter made. It therefore applied to the future. But landlords and tenants might agree to leave the settlement of any disputes arising under the lease to arbitration as agreed in the lease itself; while disputes arising out of damage done by game might be left to the arbitration proposed by the Bill. He did not suppose the noble Earl who had charge of the measure would object to some such provision being inserted in the Bill.

THE EARL OF ROSEBERY reminded the noble and learned Lord that there was already one general provision for arbitration in the Bill, and he thought it would be very inexpedient to introduce a second.

THE LORD CHANCELLOR said, that he was quite aware of the provision referred to; but he thought that where

The Duke of Richmond and Gordon

the landlord and tenant agreed in the lease to settle disputes arising out of damage done by game, as well as other matters according to terms contained in the lease, there might be a provision enabling them to do so without interfering with the general principle of arbitration contained in the Bill.

THE DUKE OF ARGYLL understood the effect of the Amendment of the noble Earl to be, that in leases where there was a general clause for arbitration on matters arising out of the lease, the arbitration should include disputes arising out of the damage caused by game, and that they should not be subject to the special arbitration provided by the Bill. He did not think that there was any objection to the introduction of such a principle into the Bill; but he doubted whether the Amendment proposed would exactly meet the case.

THE EARL OF SELKIRK said, that he would probably be able to suggest some words that would meet the difficulty on the third reading.

Amendment (by leave of the House) *withdrawn.*

THE EARL OF STAIR moved an Amendment to add Proviso to Clause 6, sub-section 2,

(Provisions as to actions of damage between lessor and lessee.)

After ("sterling") add ("Provided always, that the sheriff substitute shall, whenever required to do so by either party, take and record the evidence laid before him, in which case an appeal shall lie to the sheriff, whose judgment shall be final.

The noble Earl said, that by the Bill, as it now stood, the jurisdiction of the Sheriff-substitute, which was now limited to trial of small debts to the amount of £12, would be extended to the trial of disputes between landlords and tenants, often involving very nice and intricate questions, up to £50.

THE EARL OF ROSEBERY thought that their Lordships could very well trust the Sheriff's-substitute with the settlement of disputes under this Bill. The main objection which he had to the Amendment was, that whereas the object of the Bill was to render easier the relations between landlords and tenants, this Amendment would tend to increase litigation, by giving a right of appeal

from the Court of the Sheriff-substitute to that of the Sheriff.

THE EARL OF STAIR said, this was a point upon which he should feel it necessary to divide the House.

After a short conversation,

THE EARL OF ROSEBERY consented to accept the Amendment.

Words *added.*

Clause, as amended, *agreed to.*

Further Amendments made.

THE EARL OF MINTO moved to insert in the title of the Act, the words—("to regulate the relations between landlords and tenants in respect of damages by Game, and"). The noble Earl said, that the object of the Amendment which he proposed was to make the title more harmonious with the Bill itself, so as to make it intelligible to the people of Scotland at large.

THE DUKE OF RICHMOND AND GORDON said, it was unnecessary to put in further words to express the object of the Bill. Although it was perfectly plain that this would be an Act which would regulate the relations between landlord and tenant, it was not necessary to express that intention in the title.

THE LORD CHANCELLOR said, the object of the noble Earl appeared to be to impress upon the title the idea of the nature of the Bill itself. But that seemed sufficiently done by the short title of the Act—"An Act to amend the Laws relating to Game in Scotland."

THE EARL OF ROSEBERY said, he had no objection to the addition proposed to the title; but he thought with the noble Duke and the noble and learned Lord that it was unnecessary.

On Question? *Resolved in the Negative.*

Bill to be read 3^d on *Tuesday* next; and to be *printed*, as amended. (No. 118.)

House adjourned at a quarter past
Six o'clock to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 22nd June, 1877.

MINUTES; — PUBLIC BILLS — *Resolution* [June 21] *reported—Ordered—First Reading—* East India Loan * [215].
Second Reading— County Officers and Courts (Ireland) [[67].
Select Committee—Report— New Forest * [No. 281]; Sale of Intoxicating Liquors on Sunday (Ireland) (*re-comm.*) * [No. 283].
Committee— Supreme Court of Judicature (Ireland) (*re-comm.*) [184]—R.P.
Committee—Report— Roads and Bridges (Scotland) * [65-214]; Royal Irish Constabulary * [203].
Third Reading— Elementary Education Provisional Order Confirmation (London) * [179], and *passed*; Colonial Fortifications [174], *debate adjourned*.

The House met at Two of the clock.

QUESTION.

ARMY PROMOTION — THE WARRANT.
QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for War, Whether, in the event of the recommendations of the Army Promotion and Retirement Commission being carried out in their entirety, the promotion of the officers of the Royal Artillery and Royal Engineers will in a short time be from four to six years behind that of the Line; and, if so, will he take steps for such a revision of the scheme as might prevent this injustice being done to the scientific corps?

MR. GATHORNE HARDY, in reply, said, that he hoped to lay the Warrant which he had prepared, containing the Regulations, on the Table in July, and when they were there the hon. Baronet would find that the recommendations of the Commission had been carried out.

ROADS AND BRIDGES (SCOTLAND) BILL.
OBSERVATIONS.

MR. ASSHETON CROSS: I think it may be for the convenience of the Scotch Members if I state the course that the Government wish to take with regard to the Roads and Bridges (Scotland) Bill, which stands second on the list of Orders to-day. The Amendments, a considerable number of which appear

on the Paper, are now all before the Government. I therefore propose to commit the Bill *pro forma* to-day, in order that the Government may take all these Amendments into their consideration, and see what they can accept, and what they will feel bound to oppose.

ORDERS OF THE DAY.

SUPREME COURT OF JUDICATURE (IRELAND) (*re-committed*) BILL.—[BILL 184.]
 (Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.)

COMMITTEE. [Progress 19th June.]

Bill considered in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

MR. BIGGAR moved that the Chairman should report Progress, in order that the House might proceed to the discussion of the second reading of the County Officers and Courts (Ireland) Bill. There were several reasons why that Bill should be taken first, and not the least was that the number of Judges that would be required under the Judicature Bill must depend upon the County Courts Bill. There was no great need of pressure with regard to the former; but it seemed to be the unanimous opinion of the non-lawyers among the Irish Representatives, that the County Courts Bill was really urgent, in order to provide against the expense and annoyance to which small suitors were put in having to go to the Court of Chancery. He expected to be opposed by the lawyers, because it was their interest to get as much business done in the Superior Courts as possible.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (Mr. Biggar.)

MR. M'CARTHY DOWNING agreed with the hon. Member for Cavan (Mr. Biggar) that it was greatly to be deplored that the Bill was taken before the County Courts Bill. The latter was very much needed, as cases were frequently arising in which great injustice was done to suitors in small cases by the enormous costs involved in actions in the Superior Courts. He did not think it

mattered if the Bill did not become law for a year or two, whilst the County Courts Bill was one of pressing importance. He was sure that, if it could be done conveniently, the right hon. and learned Attorney General for Ireland would be disposed to consult the interests of the public and the wishes of Irish Members in this matter.

MR. O'SHAUGHNESSY denied that there was any foundation for the charge which the hon. Member for Cavan (Mr Biggar) had brought against those Representatives of Ireland who were members of the Bar.

MR. BIGGAR denied that he had made any charge against them. All he said was that, like other people, they were desirous of making as much profit as they could, and he did not suggest in the slightest degree that they were influenced by corrupt motives.

MR. O'SHAUGHNESSY considered that, to say, that in expressing their opinions upon legal measures, the members of the Irish Bar would be influenced by the chances of fees, as a very direct charge against them. He was not now a practitioner at the Irish Bar, and certainly that charge could not be made against him. The greatest injustice and inconvenience arose from the double proceedings which it was the object of the Judicature Bill to do away with; and though the County Courts Bill might be considered more pressing, nothing was to be gained by obstructing both. Let Irish Members treat the question which should have precedence, as one of great importance and take a division upon it; but let them not waste time in useless discussion, especially after the offer of the Government to send the other Bill to a Select Committee. It would be a serious thing to interfere with the discretion of the Government as to the order in which the measures were set down for discussion.

MR. LAW, while regarding the measure as one of considerable importance, concurred in the suggestion that the difference of opinion as to which was the more pressing matter should be brought to the test of a division. The general sense of the Committee should be ascertained with regard to the Motion, and the minority should yield to the majority.

MR. FAY thought the hon. Gentleman the Member for Cavan (Mr. Biggar)

was too much enamoured of the County Courts Bill. To give to the County Courts an equitable jurisdiction that would be of any great practical advantage could not be done without large staffs; and that being so, he questioned whether the classes intended to be benefited would find themselves any better for the change. The best way to reach the County Courts Bill was to get through the Judicature Bill as fast as they could, and, in order to do that, he hoped the hon. Member for Cavan would withdraw his Motion, and not obstruct it. The County Courts Bill might easily be considered afterwards.

MR. M'CARTHY DOWNING wanted to know, whether in case the Judicature Bill was proceeded with, it was intended to prosecute the County Courts Bill with such vigour as the Government could command, with the object, if possible, of passing it into law this Session?

MR. SHAW observed that there was really no opposition to the second reading of the County Courts Bill, and he would urge the Government, therefore, to consent to the Motion to report Progress, in order that the Bill might be sent to the Select Committee without delay.

MR. PARNELL concurred in the suggestion, because if the County Courts Bill was to pass that Session, it was necessary that it should be taken in hand at the earliest moment. He understood that there was some difference of opinion amongst Irish Members in regard to the constitution of the Select Committee, the lawyers wishing it to be so constituted as to make any beneficial result that Session impossible; while there were others who were not lawyers who desired that it might be constituted with power to carry out the work referred to it. In his opinion the County Courts Act should be in operation a year or two before the Judicature Bill passed.

THE CHAIRMAN, calling the hon. Member to Order, pointed out that a discussion of the constitution of the Select Committee was at that stage irrelevant.

THE O'CONOR DON said, all agreed that both Bills should pass; but because some preferred one, and some the other, they were in danger of losing both. He would suggest that they should make what progress they could in Committee on the Judicature Bill, upon the under-

standing that at the end of the Sitting the Government should move the second reading of the County Courts Bill, with a view to referring it at once to a Select Committee.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) recognized the the fairness of the suggestion of hon. Gentleman the Member for Roscommon (the O'Connor Don). He (the Attorney General for Ireland) had already stated that the Government were most anxious at the earliest moment to pass the County Courts Bill, and desired to refer it to a Select Committee, with a view to its becoming law this year. Let the Committee go on and make real progress with the Judicature Bill, and then at a quarter to 6, when the debate was adjourned, he would move the second reading of the County Courts Bill, and that it be referred to a Select Committee.

SIR COLMAN O'LOGHLEN said, he was not opposed to the County Courts Bill; but he must insist that an opportunity should be afforded for the discussion of its principles before it went to a Select Committee. He wished himself to have the opportunity of expressing his views on it.

MR. SHAW deprecated further discussion on the subject, remarking that if the House set about its business in a practical manner, satisfactory progress might be made with both Bills that day.

MR. P. MARTIN, as a business man, could see no reason why the House should not proceed at once to discuss the Bill. Most of the municipal bodies in Ireland earnestly desired that the Judicature Bill should be passed. No doubt, the County Courts Bill had been delayed, but surely that was no reason why the measure now under consideration should be delayed also. So far from Irish barristers being opposed to the County Courts Bill, they were the first to urge the reform which it was intended to carry out. Though he was anxious to spare the time of the House as much as possible, he could not, as a County Member, assent to the second reading of the County Courts Bill without a discussion of its principles.

MR. BIGGAR said, the County Courts Bill had never been explained to the House, neither had the Judicature Bill.

MR. PARNELL said, that the Irish lawyers evidently desired to pass the

Bill without discussion, and he hoped that the County Courts Bill would be taken first. He would therefore oppose any further progress with the Bill under discussion in the interests of his constituents. He should not talk on the County Courts Bill; but he should have a good deal to say on the Judicature Bill.

SIR COLMAN O'LOGHLEN said, the Judicature Bill had already been fully explained on its introduction. On the other hand, the County Courts Bill had been brought forward so long ago as February last. There had been no explanation of its provisions, and it was impossible that it could pass the second reading without a full discussion.

Question put.

The Committee *divided*:—Ayes 10; Noes 180: Majority 170.—(Div. List, No. 188.)

SIR COLMAN O'LOGHLEN said, if Progress was reported at 5 o'clock, the difficulty would be solved, and then the County Courts Bill could be taken.

SIR MICHAEL HICKS - BEACH said, that, although extremely anxious to make Progress with the Bill, he was equally anxious not to waste the time of the House, and to consult the wishes of hon. Members. He would therefore accept the suggestion of the right hon. and learned Baronet opposite, on condition that this Bill met with a fair discussion, and then at 5 o'clock he would proceed with the County Courts Bill, which he was sure would also meet with a fair discussion.

MR. BIGGAR said, he never heard anything but a fair discussion of the Bill. The object seemed to be to push the Bill through without discussion.

MR. PARNELL did not understand what the right hon. Baronet the Chief Secretary meant by "a fair discussion." He was prepared to discuss the Bill "fairly." He objected to its passing until, say, a couple of years had elapsed after the County Courts Bill was passed.

MR. SHAW hoped there would be no real obstruction. Whoever obstructed now, after the promise of the Government, on their heads be it.

MAJOR O'GORMAN: The right hon. Baronet the Chief Secretary talks about fair discussion and about obstruction. He should remember that on Tuesday last the House was counted out at 9

o'clock on a discussion upon a Resolution brought forward by an Irish Member, the right hon. and learned Baronet the Member for Clare.

MR. PARNELL said, he did not think the reform contemplated by the measure was sufficiently extensive. For years past it had been asserted that the Irish Judicial Bench was over-manned, over-paid, and under-worked. In 1866 there were 12 Irish and 15 English Judges, but there was a very small proportion of judicial work in Ireland compared with that in England. The number of writs, of judgments signed, of defences filed, and of prisoners tried in Ireland was in about the proportion of one sixth, as regarded England. That being so, he objected to the Bill, because it did not provide a sufficient reduction, either in the number of the Irish Judges, or of their salaries. It was true that the salaries of the Irish Judges were, perhaps, 40 or 45 per cent less than the salaries paid to the English Judges; but then, in the payment of salaries, regard should be had to the average emoluments earned by that portion of the Profession from which Judges were taken, and the emoluments earned by Irish barristers were very much less than those earned by English barristers of the same standing. Very few Irish barristers earned more than £1,500 or £2,000 a-year, whilst the average earnings of English barristers was probably £6,000 or £7,000 a-year, and they usually sacrificed a considerable sum when they obtained a seat on the Bench. Owing to the system pursued in Ireland, it had been found necessary to provide places for barristers and to pay them more highly than they would otherwise be paid. Ever since the Union, therefore, members of the Irish Bar had been more or less devoted to the interests of the English Government, and more or less unmindful of the interests of their own country. The result was, that in recent years it had been very difficult for Irish barristers, with some remarkable exceptions, to obtain the suffrages of Irish constituencies. He thought it was a great evil, and one that ought to be pointed out, that County Court Judges should be overpaid. He had wished that the Bill could have been postponed until the County Courts Bill had been in operation for a time, so that it would then be found how many Judges were necessary to perform the

work, and how they ought to be paid. For instance, the duties of the Landed Estates Court had been performed by Judge Flanagan much to the satisfaction of the suitors, and that distinguished Judge had himself stated publicly that he was quite competent to do all the work of the Court. But, nevertheless, a second Judge had been appointed to the Landed Estates Court, and that second Judge formed part of the scheme of that Bill. Those two Judges, for performing the work which one formerly did for £3,000 a-year, were to receive £3,500 each. He hoped that proper explanations would be given on that and other points by the Government.

MR. BIGGAR complained that the right hon. and learned Attorney General for Ireland did not seem inclined to answer the hon. Member for Meath's observations.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) thought that the hon. Member for Meath (Mr. Parnell), in his criticisms, had lost sight of the substantial reduction in the Judicial establishment already effected, and the further reductions which would be gradually brought about by the operations of the Bill. There was a vacant Judgeship at present in the Court of Common Pleas which would not be filled up, by which there would be a saving of £3,600 a-year at once. It was also proposed that, on the first vacancy occurring in a *Puisne* Judgeship of the Court of Exchequer, it would not be filled up, whereby another £3,600 would be saved. It was also contemplated that the next vacancy in the Admiralty Court should not be filled up. The same remark applied to the Receiver Master's office, on which a further saving of £2,500 would be effected when a vacancy occurred. With regard to the Landed Estates Court, when a vacancy by death or resignation occurred, it was proposed that it should not be filled up without an opportunity being given for ascertaining by a Royal Commission whether the appointment of a successor was required. Therefore, he thought it would be seen that the Bill provided reasonable safeguards against wasteful expenditure of the public money. As to the payment of the Judges, it would not do to degrade the Judicial establishments of a country like Ireland, so long as she had a separate system. They must give, he did not say extra-

vagant, but adequate salaries to secure the services of men of independence, and to enable them to maintain the dignity suitable to their high office. He repudiated, on the part of the Government, the idea of keeping up a single unnecessary Judge; but they thought, after careful examination, that the gradual striking off of four Judges was as far as, with a due regard to the public interests, they could fairly carry those reductions. The Judges of the High Court were to have a uniform salary of £3,500—a reduction of under £200 a-year on the pay of the existing Judges. Once they put Judges on the High Court, it was thought only reasonable that they should be remunerated on the same scale as the other Judges of that tribunal. The Judges of the Landed Estates Court were, therefore, to receive £500 additional; but that was not all sheer increase of expenditure, because part of the sum was met by savings from other changes; and, moreover, that extra £500 to the Judges of the Landed Estates Court was balanced by the fact that they would be compelled under that Bill to take their full share of the work in the Chancery Division of the High Court, about the most important jurisdiction of the country. Moreover, the Judges of the Landed Estates Court would have cast on them the arduous duty previously discharged by the Receiver Master; and they would also have to take their share of Circuit work. As to the appointment of the second Judge in the Landed Estates Court, he agreed that Judge Flanagan had most admirably presided over that tribunal; but that learned Judge had, from his exceptional experience, possessed extraordinary efficiency. The Incorporated Society of Attorneys and Solicitors of Ireland—a body most competent to form an opinion as to the state of business in that Court—had memorialized the Government again and again, urging the necessity of appointing a second Judge of the Landed Estates Court. He believed that the Bill, by abolishing and consolidating offices, would, in a very short time, effect a saving to the country of some thousands a-year.

MR. SULLIVAN said, he regretted that the state of his health had prevented him from taking the part in the discussion of the Bill which he had promised himself. It was always invidious to

undertake personal criticism of officials; but he deliberately asserted, that if there be an Irish Greville, whose memoirs were to be published 50 years hence, the revelations made in that volume in reference to the behind-the-scenes history of the recent appointment in the Landed Estates Court would astonish those who read them. That appointment he had no hesitation in saying was one of the worst transactions that had taken place with regard to the Irish Judicature system that he had known for 40 years. It was notorious that Mr. Ormsby was appointed, not because he was wanted in the Landed Estates Court, but because his position as a Law Officer of the Crown was required for some one else. The late Viceroy of Ireland (Lord Spencer), to whose zeal and honesty regarding patronage in Ireland every Irishman must pay a just tribute, had succeeded in preventing the appointment of the second Judge to a Court where one Judge was amply sufficient; but the present Government had hardly come into office, when they gave way on the point, although they knew, as a matter of fact, that the one existing Judge was able and willing to do all the work. The salary involved was a trifle, but the principle was one which he could not help deploring. The right hon. and learned Attorney General said it was essential to give the Judges salaries which would enable them to fully support their dignity. That was right; but, at the same time, it was possible to make them too high in proportion to the earnings of the barristers. In Ireland the salary of a Judge was nearly twice as large as the average emoluments of the first 20 or 30 men at the Bar, and therefore “the Bench, the Bench, the Bench”—something from the Government—was the aim and object of every man who went to the Irish Bar; and so vast was the number of legal appointments, large and small, that there was a place of some kind for one man out of every three or four at the Bar. He might be told that he was not acting in a patriotic spirit, and that he ought to try and get as much as possible for Ireland out of the Consolidated Fund; but he maintained that if the Judges were overpaid, that money was money which a patriotic Irishman ought not to defend, but ought to deprecate. He denied that there was any necessity for appointing another

Judge in the Landed Estates Court, and gave the Government credit for their desire to bring justice to the door of the poor man by introducing the County Courts Bill, which ought to be passed first, and in favour of which there was a general concurrence of opinion in Ireland. He should support the Judicature Bill, as far as it went in cutting down the overmanning of the Bench, and that enormous multiplication of legal offices, which was detrimental to the best interests of the country and fatal to the independence of a noble Profession which in former days had contributed some of the brightest pages to the history of their country.

MR. BIGGAR said, he took a different view of the measure from that taken by the hon. Member for Meath (Mr. Parnell) and the hon. Member for Louth (Mr. Sullivan). He thought the parallel between the English and Irish Judicial Staff was not a very happy one, for as regarded England, the number of Judges in that country was generally alleged to be quite inadequate for the business done. Besides, if the taxpayers did not object, it was much better to have too many Judges than too few. He considered it was only right that a Judge should get a larger sum than a first-class man earned by practice at the Bar; and in his idea, the desire prevalent in the Irish Bar to obtain a Government appointment was a legitimate one. This Bill was in some respects very peculiar; for, in a great many cases, it stipulated that no change should be made. He did not see the object of introducing a Bill if it was to make no change. It, no doubt, had some good points; but it was very defective in others, and, in his opinion, it ought not to pass in its present shape. He objected to the Judges having authority to make rules, and to the Government having the power of fixing salaries. That House should hold fast by its own authority and its own dignity, rather than delegate such extreme powers to the Courts below.

Question, "That the Preamble be postponed," put, and *agreed to*.

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Union of existing Courts into one Supreme Court of Judicature).

MR. SHAW moved as an Amendment, in page 4, line 3, after "court"

to insert "and the Bankruptcy Court." He understood that on a former occasion it had been intended to facilitate the Bankruptcy business. At present an immense amount of costs were accumulated in Bankruptcy cases, owing to the fact that they had to be adjudicated in Dublin and wound up there. He thought this evil would be avoided by the appointment of local Bankruptcy Courts.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) pointed out that this appointment of local Bankruptcy Courts would not be facilitated by the Amendment. But the present constitution of, and the members employed in, the Irish Bankruptcy Courts were engaging the attention of the Government, and they hoped to legislate on the subject next Session. For that reason, amongst others, it had not been deemed desirable to include them in the present Bill, as forming a part of the High Court of Justice.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 5 *agreed to*.

Clause 6 (Constitution of High Court of Justice in Ireland).

MR. MELDON moved, as an Amendment, in page 4, line 26, after "heretofore," to insert—

"except that no future Lord Chancellor shall be appointed, unless he shall be of fifteen years' standing at least at the Bar of Ireland."

Amendment proposed,

In page 4, line 26, after the word "heretofore," to insert the words "except that no future Lord Chancellor shall be appointed unless he shall be of fifteen years' standing at least at the Bar of Ireland."—(Mr. Meldon.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) hoped the Amendment would not be pressed. He could not see why the Lord Chancellorship for Ireland should be absolutely restricted to a member of the Irish Bar, seeing that there was nothing to prevent a member of the Bar in Ireland being Lord Chancellor in this country, and that in fact the present Lord Chancellor of England was a distinguished Irishman. The Irish Lord Chancellorship had been held by Lord Campbell, Lord St. Leonards, and other distinguished English lawyers

with great advantage, and it would not be desirable to limit the area of selection for the office, as proposed. It had been found in the past that the Executive, in filling the post, had fairly considered the claims of the Irish Bar. It was very undesirable to lay down a hard-and-fast line in this matter, as it might have the effect on some occasions of preventing Ireland from having the services, as Lord Chancellors, of the men best fitted for the position.

SIR COLMAN O'LOGHLEN, on the contrary, hoped the Amendment would be pressed. The right hon. and learned Gentleman said there was nothing to prevent the appointment of a member of the Irish Bar to the post of Lord Chancellor of England, but he (Sir Colman O'Loughlen) would like to see it attempted. There was no reason why the Irish Lord Chancellor should not, like the other Irish Judges, be regarded to belong to the Irish Bar. With reference to the appointment of Lord Campbell as Lord Chancellor of Ireland, he must observe that that noble and learned Lord never held a brief in a Court of Equity, and great indignation was felt in Ireland on the subject. The members of the junior Bar held a meeting, and protested strongly against the appointment; but, unfortunately, they were not supported by the seniors, who did not like to set themselves in opposition to the authorities.

MR. OSBORNE MORGAN observed that if the provision which the hon. and learned Member for Kildare (Mr. Meldon) wished to introduce had always been the law, Ireland would have lost the services of three of the most distinguished men who had ever held the office of Lord Chancellor—namely, Lord Campbell, Lord Redesdale, and Lord St. Leonards. At the same time, he thought the head of the Irish Bench ought to be a member of the Irish Bar, and successive Governments had acted on that principle, for the last six Chancellors were Irish barristers.

MR. O'SHAUGHNESSY said, that the right hon. and learned Attorney General had said there was nothing in the Bill which prevented the appointment, as English Lord Chancellor, of an Irish barrister, but the fact was that no such appointment had ever been made. Neither were they appointed to other offices, in instance of which he

would refer to the appointment of Lord Plunket as Master of the Rolls in England, which appointment had to be cancelled on account of the opposition of the English Bar. With reference to the remarks of the hon. and learned Member for Denbigh (Mr. Osborne Morgan), as to the advantages which Ireland was supposed to have derived from the services of Lords Redesdale, St. Leonards, and other Englishmen, as a matter of fact, the law was quite as well administered by the Irish Lord Chancellors who had succeeded them—such men as Sir Maziere Brady, Mr. Blackburn, and Dr. Ball. It was most important that the Irish Lord Chancellor should be an experienced member of the Irish Bar. They had, for example, a code of Land Laws widely differing from that of England, and the President of the Ultimate Court of Appeal for Land Law Causes was the Lord Chancellor of Ireland. The only thing he would suggest to the hon. and learned Member for Kildare was that, if the Amendment was to be adopted in its present form, they might deprive themselves of the advantages to be derived from the appointment of an Equity Judge to the highest judicial office. He further thought that the Amendment would be improved if 10 years' standing at the Bar was substituted for 15 years.

Amendment amended, by leaving out the word "fifteen," and inserting the word "ten."

Question put,

"That the words 'except that no future Lord Chancellor shall be appointed unless he shall be of ten years' standing at least at the Bar of Ireland' be there inserted."

The Committee divided:—Ayes 106; Noes 202: Majority 96.—(Div. List, No. 189.)

On the Motion of Mr. PARNELL (for Mr. Butt), Amendment made in page 4, line 29, at end, by adding—

"And shall be appointed in the same manner in which the puisne justices and junior barons of the superior courts of common law in England were appointed before the passing of the Supreme Court of Judicature Act, 1873."

House resumed.

Committee report Progress; to sit again upon *Monday* next.

The Attorney General for Ireland

COUNTY OFFICERS AND COURTS (IRELAND) BILL.—[BILL 67.]

(Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General for Ireland.*)

SIR COLMAN O'LOGHLEN said, the subject was one of great importance to Ireland. The present Bill had been introduced so far back as February 12th. No one intimated any opposition to the second reading, with the exception of a formal Notice to prevent its being taken up after midnight from the hon. Member for Meath (Mr. Parnell). Still, although there was no opposition to the second reading, the Government neither took the stage, nor did they intimate their willingness to refer it to a Select Committee, as he had proposed. No intimation had been made by the Government as to the course they would pursue; but that day they had stated that they would have no objection to read it a second time *pro forma*, and refer it to a Select Committee. It was, he thought, rather too late to take that course now. If his proposal had been accepted three months ago, the Committee might have met and agreed to a Bill which would have met with the approval of the House. He feared it was now too late; but as many hon. Members around him were desirous that the Bill should be read a second time, he deferred to their opinion, and would content himself with stating his objections to the Bill in general, and if it should be read a second time, would move that it be referred to a Select Committee, with special instructions to amend it on the points to which he objected, and which were enumerated in his Motion. He thought, however, it would be inexpedient to read it a second time under those conditions without having some discussion on the provisions. The objects of the Bill were four-fold. It proposed, firstly, to amalgamate the offices of the Clerk of the Crown and Clerk of the Peace. He agreed to that as a good object; but he objected to the manner in which it was proposed to

carry it out. The second object was to reduce the number of Chairmen from 33 to 21. To that he did not object, but he opposed the manner in which it was carried out. The third object of the Bill was to extend the jurisdiction of the Chairmen of the counties, which was well enough in itself, but badly carried out. The last object of the Bill was to prevent them from practising at the Bar. That was the only part of the Bill to which he objected; and he admitted that it was a point that could be discussed in Committee. With regard to the first point, the Bill would abolish the old Common Law tenure of office by the Clerks of the Crown and of the Peace, and the new official would hold his office, not as at present by good behaviour, but during the pleasure of the Lord Lieutenant. He would, as a matter of fact, be put upon the footing of a mere Civil Servant, a proceeding which he thought very objectionable, and he must contend that the old condition of tenure should be preserved. It was also objectionable that any future holder of the office should be subject to a Treasury certificate of his fitness for the post. The Treasury could know nothing about the fitness of a man for the office of Clerk of the Crown and of the Peace in Ireland. Then it was also objectionable that the salaries of these officers should be left to be fixed, not by the Bill, but by the Treasury dealing with the duties performed. The result of that would be that in one county a Clerk of the Peace and of the Crown would receive one salary, and in another county a different one. Then, although it might be right to reduce the number of Chairmen by amalgamating counties together, the amalgamation should be carried out by the Bill itself, and should not be left to be carried out by the Lord Lieutenant in Council, a mode of procedure which was certain to lead to jobbery and favouritism of all descriptions. The Bill ought also to contain a Schedule of the counties proposed to be amalgamated. To that part of the Bill which proposed to extend the Common Law jurisdiction of the County Courts from £40 to £50, the only objection he had was that the jurisdiction was not extended to £100. He approved of the proposal of the Bill to confer Equity jurisdiction upon the Chairman in 11 different matters or classes enumerated

in the Bill; but he complained that while they were taking steps to bring justice home to the doors of the people in regard to the first trial of causes, there should be no appeal except to the Lord Chancellor sitting in Dublin. He considered that the appeal in every case should be heard in the county where the cause was originally tried, which could be done by the Master of the Rolls and the Vice Chancellor going circuit for the purpose. He thought it also most objectionable that the stamp duties to be levied under the Bill should not be settled by the Bill; but, perhaps, the most extraordinary part of the measure was that which provided that the salaries of the Chairmen of Counties should be fixed, not by the Bill itself, but by the Lord Chancellor and the Lords of the Treasury. This was a proposal to which he should object. There were several other points to which he might have referred, but he refrained from doing so, as he had no desire to obstruct the progress of the measure. He must, however, say that those to which he had adverted were well worthy of the attention of a Select Committee.

MR. SERJEANT SHERLOCK said, that he was not opposed to the amalgamation of the offices of Clerks of the Crown and the Peace, if efficiency would be secured, and at the same time justice done to the holders of these offices. The officers in question were at present called upon, under pain of their removal by the Lord Lieutenant, to perform duties never contemplated when they were appointed. This would be unfair to officers, many of whom were appointed 20 or 30 years' ago. The present occupiers of office should be permitted to retire on a good salary, and their successors might be appointed on any terms which might be considered necessary. With regard to the conferring Equity jurisdiction on the Chairmen of Counties, he did not object to the measure; but he wished to point out that great injustice would be done to the suitors if the Chairmen were not provided with sufficient Staffs of officers. As to increasing the number of Judges, he urged the necessity of its being in the Bill. The Treasury might induce some of the Judges to retire on a competent pension. The discussion of the mode of amalgamation would be of advantage, and they would receive suggestions from the people interested in

the country. The whole matter should be done openly, and then all questions of favouritism would be removed. The amount of the jurisdiction at present was £40, and the proposal was to increase it to £100. £100 was a serious sum for Ireland, and he believed in these cases the parties would prefer going to a Superior Court. And then they must take into consideration the costs of a panel; for it should be remembered that questions of account, of administration, of partnership, and the like, though affecting small amounts of money, might involve points of law as abstruse and as difficult as in cases where thousands of pounds were at stake. In those cases, the costs would be very great. He thought it would be better to have the appeal to the Court of Chancery. He must further urge, in conclusion, the advantage of setting forth in the Bill the mode in which it was proposed the County Courts should be consolidated.

MR. MORRIS pointed out that the Bill proposed to abolish the Recordship of Galway, which was a very ancient office. The Recorders of Galway and Derry were in future to be called County Court Judges, or something of that sort. He did not see why they should not bear the name of Recorders of Galway and Derry. There was an ancient historic interest in the Recordship of Galway, and something might be done in the way of preserving the title of the office, even if the duties were merged in the manner proposed.

MR. FAY said, he did not see much in the Bill, except that it seemed to create offices for hon. and learned Gentlemen on the other side of the House. The unfortunate County Court Judge, with £1,000 a-year, was to have everything under his jurisdiction, from dealing with divorces to matters of account. The cattle dealers of Ireland often disputed over matters of account; but it would be unfortunate to have such a Judge dealing with their cases. If this Judge was to do this work properly, he ought to have an immense Staff; and if that was so, the unfortunate suitor would have tremendous sums to pay in fees, and would find the procedure more expensive than the Courts in Dublin. This Bill abolished Chairmen of Sessions who were practising as barristers, and well up in all the latest cases, and he could affirm that they were very popular

in Ireland. He was opposed to the Bill. As to its being cheap, his opinion was that cheap things were generally the dearest, and he thought that this cheap law would turn out to be very dear law. He hoped that if they had a Committee on the Bill, they would appoint gentlemen well acquainted with the legal offices, who could advise upon the subject, and who had all the experience which the practice of the law could give them.

MR. M'CARTHY DOWNING supported the Bill. He thought there had been too many objections to what he would call the poor man's Court. This Bill had been thought of for years, and the necessity for it was well understood in Ireland. They were bound to bring justice home to the poor man's door. That was the professed object of this Bill; and, if he had the honour of being elected a Member of the Select Committee, he would do his best to make it effective for that purpose. He would not go into details, because that was a matter for the Committee. He objected to, for instance, raising the jurisdiction from £40 to £100. The further power given in the Bill would bring justice to the poor; but the alteration would compel that man to go to Dublin to obtain justice. The jurisdiction stopped at a farm of the annual value of £30; but the House should remember that a farm of that value in Ulster was very different from a farm £30 in value in Munster. He was sorry to see that the Bill had had the Equity jurisdiction reduced from £500 in the Bill of last year to £300, and he could not see why the change had been made. He should therefore propose an Amendment, to render it more in conformity with the Bill of last year. As to the officers, the Bill would certainly be unworkable with the present proposals. There would have to be a Registrar in connection with the Court, or otherwise the Circuits would never be gone through.

MR. LAW said, he would not go into details, but he might say that he understood the chief object of the Bill was to give an Equity jurisdiction to the County Court Judges in Ireland equal to that which had for some years been exercised by the English County Court Judges. He must say, however, that he more than doubted whether this Equity jurisdiction could be efficiently worked

by the Irish chairmen with only the official assistance which the Bill provided. It was proposed that one man should act as Clerk of the Crown, Clerk of the Peace, and Registrar of the Civil Bill Court; that was to say, they allowed one-third of a man to do the official work of a County Court in Ireland, whilst they had several competent individuals to do similar work in England. He entirely agreed with what had fallen from the hon. and learned Member who had just spoken, and hoped that the measure would be so amended as to render it acceptable and beneficial to the great body of the people of Ireland.

MR. O'SHAUGHNESSY, while taking exception to some of the details of the Bill, would give it a general support. He trusted the Government would give a local Admiralty jurisdiction to two or three large towns in Ireland—to Limerick, Waterford, and, perhaps, some others. The Bill would not, in his opinion, lead to such an increase of officers as was suspected; and he hoped that where there were found men occupying the position of Deputy Clerks of the Peace the assistance of these officers of experience would be secured, and their rights, which were almost vested, recognized.

MR. MELDON said, upon the understanding that the Bill upon being read a second time was to be referred to a Select Committee, and that the House would hereafter have a full opportunity of discussing the Bill, he would not enter into a discussion of its provisions. But he thought it was futile to refer the Bill to a Select Committee, who without the consent of the Treasury could not provide for the appointment of additional officers. He considered an extended County Court jurisdiction for Ireland absolutely necessary, and regretted that such a measure had been so long delayed.

CAPTAIN NOLAN complained that the Government had rolled up several distinct subjects in one Bill, and had in consequence put Irish Members in the dilemma of either rejecting all, or accepting all. Against that he protested. He was afraid the measure would place a great deal of patronage at the disposal of the Government, and pressed the Government to keep up the office of the Recorder of Galway.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, the course of the discussion was very satisfactory, in that it had shown the confidence which was felt in the distinguished position of the County Court Judges, and he trusted that under the more important jurisdiction to be conferred upon them by the Bill that confidence would continue. For his own part, he did not anticipate there would be any of that substantial increase of patronage hinted at, and he was at a loss to understand, looking over the surface of the Bill, what prospect there was for suspecting it. The 33 Chairmen were to be cut down to 21; and at present there were two important officers—the Clerk of the Crown and the Clerk of the Peace—these were to be cut down to 32, so that, indeed, instead of there being more there was less scope for patronage. It was not contemplated there should be any immediate resignation of county officers; but from time to time, from inclination, age, or infirmity, they might take advantage of the provisions of the Act. The various observations which had been made upon the increased jurisdiction provided in the Bill showed the advantage there would be in asking the House, as he intended, to refer the Bill to a Select Committee. Those observations would receive the utmost attention; and he would say, on the part of the Government and of the Treasury, that they had no wish to withdraw the Bill from the most searching examination and careful consideration upstairs. In reference to the observations as to a sufficient Staff, this Bill contained a clause not found in any previous Bill on the question, and there was every desire on the part of the Government and the Treasury to give a fair working Staff. The 8th clause provided that the Lord Chancellor, with the consent of the Treasury, could add additional Registrars where they were found necessary. Without committing himself to the figures, he might say there would be a very considerable saving in public expense by the passing of the Bill.

Question put, and *agreed to*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON), in moving that the Bill be referred to a Select Committee, remarked that it was the

object of the Government that the Bill should become law this Session.

Motion agreed to; Bill committed to a Select Committee.

COLONIAL FORTIFICATIONS BILL.

(*Mr. Gathorne Hardy,*
Lord Eustace Cecil, Mr. Stanley.)

[BILL 174.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a third time."—(*Mr. Gathorne Hardy.*)

MR. E. JENKINS moved that the Bill be re-committed, in order to insert a clause providing that fortifications are to be vested in the Governor of any Colony only for civil purposes. The hon. Member was proceeding when—

It being ten minutes before Seven of the clock, the Debate stood adjourned till *To-morrow*.

EAST INDIA LOAN BILL.

Resolution [June 21] *reported*, and *agreed to*.
— Bill *ordered* to be brought in by Mr. RAIKES, Lord GEORGE HAMILTON, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 215.]

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE SUPERANNUATION ACT AMENDMENT ACT, 1873—DEPARTMENTAL CIRCULARS.—RESOLUTION.

MR. BOORD rose to move,

"That it is unjust that Departmental Circulars should be issued in such a form, or so interpreted as practically to repeal or modify the operation of an Act of Parliament; and that it is expedient that those persons who have been debarred from participation in the benefits of 'The Superannuation Act Amendment Act, 1873,' by the War Office Circulars dated the 29th August and the 17th December 1861, and numbered 709 and 729 respectively, should be restored to the position they would have occupied had such circulars never been issued."

The hon. Gentleman was referring to the subject of the Motion when——

Notice taken, that 40 Members were not present; House counted, and 40 Members not being found present——

House adjourned at twenty minutes after Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, 25th June, 1877.

MINUTES.]—PUBLIC BILLS—*Second Reading—*

Pier and Harbour Orders Confirmation (Nos. 1 and 2) * (112-113); Metropolitan Commons Provisional Order * (111); Reservoirs * (103).

*Select Committee—Report—*Metropolis Toll Bridges * (45-119).

*Committee—Report—*Elementary Education Provisional Orders Confirmation (Felmingham, &c.) * (96).

*Withdrawn—*Burial Acts Consolidation (80).

RUSSIA—HON. COLONEL WELLESLEY, MILITARY ATTACHE.

QUESTION. OBSERVATIONS.

LORD DORCHESTER rose to ask the noble Earl the Secretary of State for Foreign Affairs a Question of which he had given private Notice—namely, Whether there is any truth in the report of the marked discourtesy with which Lieut.-Colonel the Hon. Frederick Wellesley, of Her Majesty's Coldstream Guards, when in discharge of his duty as *Military Attaché* to the British Embassy at St. Petersburg, has been treated by His Imperial Highness the Grand Duke Nicholas, commanding the Army in Roumania of Her Majesty's ally the Emperor of Russia, or by his orders; and, if so, to ask what steps have in consequence been taken by Her Majesty's Government; and to move for the production of any communications upon the subject to be laid before this House. The noble Lord said it was not his wish to interfere with the proceedings of Her Majesty's Government, characterized as they had been with the utmost discretion, and he believed with firmness; but when it became a matter of notoriety that an officer of high rank in Her Majesty's

Forces had been openly insulted by the Commander of a foreign Army, he thought it incumbent that the people of this country should receive some explanation of the circumstance. When officers from Italy and Germany were encouraged to proceed to the front with the Russian Army it appeared to him to be a great reflection upon a British officer that he should be received in the manner in which Colonel Wellesley was; indeed, he could not, for a long time, believe that it was possible that a British officer should have been received and spoken to in the way in which that gallant officer was said to have been received and spoken to. Colonel Wellesley was the *Military Attaché* of Her Majesty's Embassy at St. Petersburg, and as such was encouraged by the Russian authorities to go to the front; but on arriving there he was received by the Grand Duke Nicholas in a manner the like of which he had never heard before. Nothing, he was sure, but the strict discipline of his early education, and that courteous manner with which all his friends knew him to be specially gifted, would have induced Colonel Wellesley to bear with the affront which it appeared had been offered to him. Colonel Wellesley was stated to have felt the reproof so strongly that he at once doffed his military uniform, put on plain clothes, and retired to Bucharest, whence he applied to superior authority for further instructions and orders. Those orders he had received, and His Imperial Majesty had placed him on his personal Staff. But he (Lord Dorchester) would submit to their Lordships that the position of being on the personal staff of the Emperor, and in the rear of the Army, was by no means the same as that of being in the front. If the report which had reached this country was correct, he desired to ask the noble Earl what steps have in consequence been taken by Her Majesty's Government, and also to move for the production of any communications which might have passed upon the subject.

THE EARL OF DERBY: My Lords, I am quite willing to give to your Lordships whatever information I possess relative to the affair to which the Question of the noble Lord refers. It is the fact that Colonel Wellesley presented himself at the head-quarters of the Grand Duke Nicholas upon the invitation of the Em-

peror himself; and that he was received by the Grand Duke in a manner certainly not marked with that courtesy which one would expect to be shown by an officer of his high position towards a foreign gentleman and officer who was specially commended to him. My Lords, I can only say as to that part of the matter, that so far as the conduct of Colonel Wellesley is concerned he seems to have acted with that good temper and good sense which, from his antecedents and his character, I should expect. I received the first intimation of this occurrence by telegraph. It was not accompanied with sufficient details to enable me to take any steps; but as soon as I received a letter from Colonel Wellesley, three or four days ago, giving fuller details of what had passed, I immediately communicated in a private form with the Russian Ambassador in this country. I told him exactly what had been represented to me. He thereupon communicated with his Government; and the result of that communication was that a reply has been received from him, the tenor of which leads me to hope and to believe that this unpleasantness will be got rid of, and that the incident will be settled in a perfectly satisfactory manner. Probably your Lordships will not wish that I should go farther into the matter—and I am quite sure your Lordships will see that, the matter being in the position I have stated, it would be useless, and for obvious reasons undesirable, that any Correspondence should be laid on the Table—even if there were any Correspondence of an official character—which up to the present moment is not the case.

TREATIES OF PARIS, 1856.

MOTION FOR PAPERS.

LORD CAMPBELL, in rising to move—

“That an humble Address be presented to Her Majesty for extracts of any correspondence which has taken place since the 24th of April between Her Majesty’s Government and other Powers as to the manner of fulfilling their engagements under the Treaties of Paris of 1856,”

said: My Lords, the terms of the Notice I have given will explain the kind of information which it calls for. Such information would put an end to many doubts in reference to the existing war,

The Earl of Derby

and the intentions of the Government upon it. It would tend to show whether the three Powers—Austria, Germany, and Russia—are still acting together, or whether a less suspected European concert is attainable. It might throw light on the extraordinary statement which has appeared to-day, that Austrian troops are concentrating in Dalmatia, not for the defence, but the dismemberment of the Ottoman Empire. But I admit at once it was not merely with a view to information that I gave the Notice. My intention was to bring before your Lordships many thoughts as to the efforts which it seems to me our Eastern policy requires. In the meanwhile, it has been credibly affirmed that Her Majesty’s Government are to-day appealing to the other House of Parliament upon the subject. Under these circumstances, it is not the time to urge them when they seem to be decided; or to uphold their measure when we do not know exactly what has been propounded. In common with large numbers who have at heart the maintenance of Treaties, the improvement of the Ottoman Empire, and the deliverance of Europe from the unfortunate aggression which hangs over it, I should only venture to congratulate them on the judgment they have formed, or on the step at least which is imputed to them. Other noble Lords can address the House in a different sense, or at greater length, as a Motion is before it. Should no such correspondence as I allude to have begun, or should it still be incomplete, the Motion may be easily disposed of. It is true that two despatches of an important kind have recently appeared. But it would be satisfactory to know that Russia is not the only Power to which the views of the Government have lately been communicated.

Moved that an humble Address be presented to Her Majesty for extracts of any correspondence which has taken place since the 24th of April between Her Majesty’s Government and other Powers as to the manner of fulfilling their engagements under the Treaties of Paris of 1856.—(*The Lord Stratheden and Campbell.*)

THE EARL OF DERBY: The reticence of my noble Friend will be my best excuse for not entering into this matter. The noble Lord has addressed you very briefly, and I do not think you will expect from me explanations which, in point of fact, he has not asked for.

Within the last four or five days we have laid on the Table of this and the other House of Parliament two despatches, containing a statement which I think will be considered sufficiently full and explicit of the views which Her Majesty's Government take of the present situation. I shall, therefore, imitate the discretion of my noble Friend in regard to the Motion, and give the only Answer to this Question which it is possible to give, which is, to say that as there are no Papers it will not be in my power to produce them.

EARL GRANVILLE said, he did not propose to take any part in this discussion, but he wished to reserve to himself the right to make any comments upon the despatches recently produced which he thought desirable.

LORD CAMPBELL said, that after the statement of the noble Earl the Foreign Secretary, he should be entitled to withdraw the Motion.

Motion (by leave of the House) *withdrawn*.

BURIAL ACTS CONSOLIDATION BILL. (Nos. 27-80.) (*The Lord President.*)

REPORT OF THE AMENDMENTS.

BILL WITHDRAWN.

Order of the Day for the further consideration of the Report of Amendments, read.

Moved, "That the said Order be discharged."—(*The Lord President.*)

THE ARCHBISHOP OF CANTERBURY: My Lords, perhaps I may be allowed to express a hope respecting this matter. Those who supported the noble Earl behind me (the Earl of Harrowby) know and feel that no one can have so much opportunity of judging of the opinion of the country on this matter as Her Majesty's Government—especially as they have been addressed by large bodies of persons, as I understand. Everyone who knows what the nature of such a question is and how great the delicacy with which it ought to be treated, will acquiesce, I suppose, in the absolute propriety of not forcing upon any parties a decision which might leave in their minds a rankling and uneasy feeling that their earnest protests in favour of their rights have not been attended to. Therefore, my Lords, fully acquies-

cing in the absolute necessity of postponing this measure, as Her Majesty's Government have thought it right to do, I rise principally with the view of expressing a most earnest hope that during the six or nine months which must elapse before this measure can appear again before your Lordships, it will be calmly considered by all those who have to do with this question out-of-doors. We know that there are professional agitators who live and thrive upon questions of this kind; and it is always impossible to prevent an agitation arising on such questions in which the real merits of so difficult and delicate a subject are lost sight of. As regards your Lordships' own House, this matter has been approached by all parties with an earnest and hearty desire to settle a delicate and most unpleasant question; and I cannot but hope and believe that during the months that are before us neither the Clergy nor the Laity—neither the defenders of our ancient institutions on the one hand, nor those who are determined to do their best to obtain more freedom in this matter for our Dissenting brethren—will lose sight of the duty of treating this question in the same calm and temperate way in which it has been treated by your Lordships' House. I may be excused, perhaps, if I state shortly what I believe to be the position of the question as it now stands before the country. Your Lordships' House, which certainly may be taken to represent as well as any other body in the Kingdom the opinions of the Laity of the Church of England, and which certainly is not likely to forget any dangers which may threaten the Established Church, has by a considerable majority recorded its opinion that this question ought to be settled, and settled in a particular direction. I take it that the calm decision of this body must have great weight with all who are interested in this matter. The Clergy are fully entitled to be heard on their side of the question, and it was the endeavour of myself and of my most rev. Brother (the Archbishop of York), in the course of the recent debate, to suggest certain changes in the law which we thought would be acceptable to the Clergy generally, and which I still believe must be embodied in any measure which may be proposed for the final settlement of the burial question in the

next Session of Parliament. The two matters to which we venture to draw the attention of the Clergy are these—that a large number of Dissenters are at present incapable of being buried with religious rites by the Clergy of the Church of England, and that they are in most instances desirous of being buried by their own ministers with such religious rites as have been suggested. To meet this difficulty I ventured to propose an Amendment to the Bill, and with the view of meeting another and a different difficulty, my most rev. Brother proposed another Amendment, which it was very difficult to formulate, and which, after two careful considerations of it, your Lordships determined not to accept in the form in which it was proposed. But it is my belief that when this question comes to be settled full consideration must be given to the difficulty which my most rev. Brother has brought under your Lordships' notice; and that it will never do in conceding to our Dissenting brethren some rights which they have not hitherto possessed to leave the Clergy in a disadvantageous position with reference to the indiscriminate burial of all persons, whatever may be their character and whatever may be the circumstances of their death. I am most anxious that the Clergy of the Church of England during the interval which the decision of the Ministry has procured for them should consider this matter in that spirit of kindly Christian charity which is the best ornament of their profession.

LORD DENMAN said, that the Amendments of the most rev. Prelate and of the noble Earl (the Earl of Harrowby) were quite at variance with each other. He would wish to see leading Dissenters meet Churchmen and agree upon some form of burial service; but the Amendment of the most rev. Prelate was quite indefinite, and looked for approbation by the Bishop perhaps nearly seven days after a service might have been performed. As to the Amendment of the noble Earl (the Earl of Harrowby), which was brought on a second time—after rejection—in a most unusual manner, under it, a friend or enemy of the deceased, having charge of his funeral, might dispense with any religious service, or introduce any religious service to be performed by a layman in a churchyard. He (Lord Denman) regretted ex-

tremely that the vantage ground obtained by this Bill having been read a second time had not helped it forward, and that the same agreement which existed in Scotland and Ireland did not exist in England, and deplored the effect of a difference as to a formality disuniting Parliament at the very time that they ought to show to the world an example of agreement.

THE EARL OF HARROWBY said, that while he was sorry the Government had not seen fit to adopt the solution of the difficulty embodied in the recent vote of their Lordships, he concurred with the most rev. Primate in hoping that the matter would be discussed during the Recess in a calm and temperate spirit. The subject ought to engage the attention of Convocation, and he sincerely trusted that Body would do all that lay in their power towards the settlement of this delicate and difficult question by suggesting alterations in the Burial Service, such as had been made by the American Episcopal Church, as would render it easy for the clergy to make use of it, without scandal or scruple, in all cases.

THE EARL OF REDESDALE thought the noble Earl's Amendment had failed to provide sufficient security for the protection of the rights of the clergy to their churchyards. He hoped the consideration of the question by the clergy in Convocation, and by the public out-of-doors, would be approached in a calm spirit and with a desire to take such steps as would be best calculated to bring about a satisfactory settlement.

EARL GREY could not refrain from expressing his deep regret that a settlement of this matter should be deferred to another year. The question of burials could not be satisfactorily settled unless means were taken to give perfect liberty of burial in churchyards to members of Dissenting Bodies, and he believed it would be found necessary for this purpose to vest churchyards in a parochial corporation other than the parson. As to relieving the consciences of clergymen, he believed this could not be done by providing alternative services to be used at their discretion, but by some modification of the Burial Service which would enable it to be used without offence over the dead, be they whom they might.

EARL GRANVILLE said, he entirely concurred in the wish which had been

expressed that the discussion which was perfectly certain to arise on this question during the next six or nine months might be conducted with calmness and moderation; but he did not think that the course which had been taken by the Government was likely to tend very much to that result. Last Session the Government gave a pledge that they would deal with this subject; and this year they brought forward a Bill of which his noble Friend (the Lord President) said, in introducing it, that it only dealt incidentally with the religious question, and that it had been brought in principally on account of an urgent sanitary want. Instead of pressing the measure forward, however, their Lordships had been informed that in the face of a majority of votes in favour of a proposal which would bring about a satisfactory settlement of the question, the Bill was to be withdrawn. No doubt there might be difficulties in the way of any Bill which reached the House of Commons at this period of the Session; but whose fault was that, so far as this Bill was concerned? There had been no measure of urgency before their Lordships, and yet the Burials Bill had been extended over 15 weeks before they had arrived at the Report of Amendment in Committee. Not only so, but they had not even had a repetition of the pledge which was given last year, that the Government would be fully prepared to deal with the subject next Session. He regretted that after the vote of the other evening—a vote which was not of any mere Denominational or Party character—the Government should not have persevered with their measure.

THE DUKE OF RICHMOND AND GORDON said, the noble Earl (Earl Granville) was under a misapprehension, when he stated that the Government made a pledge last year to deal with what was called the religious difficulty. His impression was that the Government made no such pledge in the absolute sense which the words of his noble Friend were intended to convey. But, while that was the case, and while it was perfectly true that, in introducing the present measure, he laid stress upon the necessity of the Bill in a sanitary point of view, and upon the necessity also of a consolidation of the Burial Acts, the Government had attempted to deal with the religious difficulty by the

insertion of clauses which his noble Friend seemed to have entirely forgotten. In this House, however, they had met with an amount of opposition which Her Majesty's Government had not been able successfully to resist. The noble Earl said that this Bill had been 15 weeks before the House, and that there had been great obstruction of Business in the other House of Parliament. The Government were not responsible for what had taken place in regard to the obstruction of Business in the other House of Parliament; but such was the condition of Business in the other House that if this Bill had been sent down there a month ago it would not yet have been brought under consideration. It was not, therefore, correct to cast upon this House the odium of the statement of the noble Earl, which, if it meant anything, meant that the Government had purposely delayed this Bill because they did not want to carry it. He denied the correctness of any such assertion. The Government did honestly endeavour to deal with the question which they had undertaken to bring before Parliament: they had redeemed the pledge which they gave, and had introduced a Bill which they thought and believed would, if carried, have been of advantage to the public. He stated the other night that the Amendment of the noble Earl (the Earl of Harrowby) was so contrary to the scheme of the Government, and would so entirely derange the manner in which the Bill was framed, that they must withdraw the measure; but he also said—and he repeated it to-night—that the question was one of great importance, and that it would receive the careful attention of the Government during the Recess.

VISCOUNT CARDWELL admitted that the noble Duke was not open to the observation that he had not taken great pains to pass a Bill in accordance with the views he had expressed. What was complained of was that Her Majesty's Government had not yielded to the decision which had been arrived at by their Lordships' House. They had that evening received some excellent advice from the most rev. Primate as to the course which should be taken by those who took part in the discussion of the question during the Recess. The most rev. Primate had recommended the greatest

calmness, the greatest desire to avoid all irritating topics, and the greatest desire to bring to the consideration of the question a sincere wish to remedy not merely the grievance which their Lordships had admitted to exist, but also to protect the interests of the Established Church. What would most conduce to promote such a temper and frame of mind would, he believed, be an acknowledgment that Her Majesty's Government saw the question in the light in which their Lordships viewed it, and were determined to bring it next year to a final and satisfactory conclusion. They had observed that noble Lords opposite had not seemed very anxious to dispute the views which had been advanced in support of the Amendment of the noble Earl. It was true that the noble Duke had spoken strongly in support of his own views; and the noble Marquess (the Marquess of Salisbury) had spoken with an amount of caution not always observable in the most powerful and impressive of his speeches, for he stated half-a-dozen times that he was not speaking his own sentiments, but the sentiments of certain memorialists whose views, he thought, ought to be considered by their Lordships. But as to any other Member of the distinguished Bench opposite, he did not know that any one of them had endeavoured to persuade their Lordships to reject that which was the real essence of the Bill. Sanitary questions were no doubt important, but it would perhaps be better to treat them separately from a question of difficulty and delicacy like this. Here was a grievance to be remedied, and the question was, whether it was to be remedied in the manner in which a majority of their Lordships' House had determined in the most significant and decisive manner that it should be remedied. This matter should receive the careful consideration of those who advised the Crown, and who were the trustees of that Church of which the Crown was the head. The welfare of the Church of England was more involved in the amicable and pacific solution of this question than that of any other institution in the country.

Motion agreed to; Order discharged accordingly; and Bill (by leave of the House) withdrawn.

Viscount Cardwell

ECCLESIASTICAL COMMISSION (CHURCH BUILDING).

MOTION FOR A PAPER.

EARL NELSON desired to draw attention to the Return to an Order of the House made on the 19th of June, 1876, and moved that it be amended—(1) by the addition of a balance sheet showing the amount of interest received, and the items of expenditure which had apparently reduced the balance by more than £6,000 and interest; (2) by supplying the omission of the amount of population of each district to which grants or nominal grants had been made. The noble Earl had further given Notice to move—

“That in the opinion of this House, the mode adopted for the administration of the balance inherited from the Church Building Commissioners is unsatisfactory, and contrary to the original intention of the Church Building Acts.”

The noble Earl complained of the unsatisfactory manner in which the Ecclesiastical Commissioners had carried out the Church Building Acts, and that while, under the old Church Building Acts, the number of free seats had been 61 per cent., under the Ecclesiastical Commissioners the number had been reduced to 44 per cent. The Church Building Acts were kept alive by occasional nominal grants of £5 to churches; but if it were necessary that there should be more pew-rented churches, further legislation ought to be asked for, and it would be undesirable to continue the old Church Building Acts by means of a sham. It was not right that grants should be given to churches that did not require them, and that were built, not out of consideration for the poor, but because the value of property was sometimes raised by the erection of a church in the neighbourhood. If the Act required amendment, let it be amended, and do not let the Church be exposed to hostile criticism from the continuance of these anomalies.

THE EARL OF CHICHESTER, who was most imperfectly heard, submitted that the noble Earl had obtained, or could obtain, all the information which he now asked for from the Report of the Commissioners on the Table, and also that the noble Earl had fallen into several mistakes in quoting from the provisions of the numerous Acts of Parliament which had been passed on

the subject. He contended that the Commissioners had acted within their powers, and in accordance with a certain scale where moneys were contributed in allotting free seats. As the balance in hand became lower, the Commissioners were compelled to decrease the amount of the grants. The Acts were carried out in conformity with the recommendations of the Bishop of the diocese, the clergy, and the Churchwardens, and all that the Commissioners had to do was to see that the grants made were fair and reasonable. He did not see any necessity for giving the additional Returns moved for.

EARL NELSON admitted that the Return produced was a most valuable one, and would be useful. He felt very strongly that these old Church Building Acts were meant, not for creating pews, but for providing churches for the people. In the present state of the House, however, he should rest content with having brought the matter forward. The noble Earl had not said whether he was prepared to lay on the Table of the House the balance-sheet.

THE EARL OF CHICHESTER was understood to say that the noble Earl would find all the information he required already on the Table.

Motion (by leave of the House) *withdrawn*.

House adjourned at a quarter before
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 25th June, 1877.

MINUTES.]—SELECT COMMITTEE—*Report*—
Employers' Liability for Injuries to their
Servants. [No. 285.]

SUPPLY—*considered in Committee*—ARMY ESTI-
MATES.

PUBLIC BILLS — *Ordered* — *First Reading*—
Local Taxation (Returns) * [220].

First Reading—Fisheries (Oysters, Crabs, and
Lobsters) * [217]; Tramways Orders Con-
firmation (Barton, &c.) * [218], and *referred* to
the Examiners; Bar Education and Dis-
cipline * [221].

Second Reading—General Police and Improve-
ment (Scotland) Provisional Order Confirma-

tion (Dumbarton) * [208]—(Leith) * [211]—
(Glasgow) * [210]; City of London Improve-
ment Provisional Order Confirmation (Golden
Lane, &c.) * [205]; Metropolis Improvement
Provisional Orders Confirmation * [206];
Greenock Improvement Provisional Order
Confirmation * [207]; Local Government Pro-
visional Order (Sewage) * [175]; Factors Act
Amendment * [168].

Select Committee—Canal Boats * [162], *nomi-
nated*.

Select Committee—Report—Saint Stephen's Green
(Dublin) * [167-216].

Committee—Solicitors Examination, &c. * [190]
—R.P.

Committee—Report—Prisons (Ireland) * [3-219];
New Forest (*re-comm.*) * [213].

Third Reading—Royal Irish Constabulary *
[203], and *passed*.

QUESTIONS.

POST OFFICE—MAIL BAG—TIVERTON JUNCTION—QUESTION.

SIR JOHN HEATHCOAT AMORY asked the Postmaster General, Whether his attention has been called to the defective state of the apparatus at Tiverton Junction for receiving letters from the mail train on the Great Western Railway, and the serious injury to letters consequent thereon—the mail bag having been damaged on the morning of the 5th of this month, and this being the third or fourth time a similar accident has occurred; and, whether any, and, if so, what remedy he proposes for the prevention of similar accidents for the future?

LORD JOHN MANNERS, in reply, said, that in order to prevent the damage referred to in the Question, the speed of the train would in future be considerably slackened as it approached the station, and other precautions would be taken.

CLEOPATRA'S NEEDLE—QUESTION.

LORD ERNEST BRUCE asked the First Commissioner of Works, Whether any site in the Metropolis has yet been selected for the erection of Cleopatra's Needle; and, whether there is not likely to be some difficulty, as to land carriage, in placing it at any great distance from the side of the river?

MR. GERARD NOEL, in reply, said, the obelisk referred to by the noble Lord was still at Alexandria. The vessel destined to carry it to England was in

the harbour of that port, and he hoped that in a couple of months she would be on her voyage home. Four important sites had been suggested for the obelisk. One was on the Embankment, opposite the Northumberland Avenue. Another, also on the Embankment, by Whitehall Stairs, was near St. Stephen's Club. [*Ironical cheers.*] That, he might say, was not his suggestion. The third site was in the open space to the south of Westminster Palace, opposite Abingdon Street. The fourth was in the centre of Parliament Square, in the midst of those distinguished men who now adorned that place. Nothing, however, had yet been definitely settled with regard to the site. As to the second part of the Question, there would, he believed, be great difficulty and even risk in endeavouring to convey the obelisk, which was supposed to weigh between 200 and 250 tons, through the streets of London to a place distant from the river side.

THAMES FLOODS (METROPOLIS).

QUESTION.

MR. WATNEY asked the Chairman of the Metropolitan Board of Works, Whether, as the Metropolitan Board of Works have determined to abandon their Bill for the Prevention of Floods, any, and if any, what steps will be taken by the Board to render London secure from floods during the ensuing winter?

SIR JAMES M'GAREL-HOGG: Sir, in answer to the Question of my hon. Friend, I beg to inform him that the Metropolitan Board of Works has no power to execute any works for rendering London secure from floods. It will rest with the local authorities to exercise the power which they possess under the Metropolis Local Management Acts and to give effect to the judgment of the High Court of Justice on the 12th inst., which has decided that the protection of the districts from the influence of the river is in the exclusive control of the Vestries and District Boards. I need hardly add that the Metropolitan Board will be always ready to assist with their advice any of the local authorities who may be desirous of availing themselves of the information collected by the Board in relation to this important subject.

Mr. Gerard Noel

MERCHANT SHIPPING ACT — DECK CARGOES—THE "BUSTONVALE." QUESTION.

MR. GOURLEY asked the President of the Board of Trade, If he is aware that the barque "Bustonvale" was, on the 7th instant (June), compulsorily measured at Greenock for extra Tonnage Duty in consequence of carrying two spare spars on deck, in order to make the ship seaworthy in accordance with Lloyds' rules, and for which the master had to pay ten shillings for a Customs certificate, which tax will have to be paid on each occasion that he pays off his crew in a British port; and, if he will consider what measures may be adopted for the purpose of preventing the practice complained of?

SIR CHARLES ADDERLEY: Sir, the case of the *Bustonvale* has been brought to my notice. The duty of measuring spaces on deck occupied by cargo has lately been transferred to the Customs officers. I have been in communication with the Board of Customs on the subject generally, and one result is that the space occupied by five spare spars will not be included in tonnage measurement, but be taken as part of equipment. Another result is, that the fee for measuring deck cargoes is abolished.

RUSSIA AND TURKEY—THE WAR—THE SUEZ CANAL—QUESTION.

MR. GOURLEY asked Mr. Chancellor of the Exchequer, If, seeing that the Russian Government has answered the intimation of Lord Derby relative to non-interference with the navigation of the Suez Canal in accordance with the wishes of Her Majesty's Government, he would be good enough to state if he can yet inform the House of the nature of the replies or communications received from the Porte and the Khedive of Egypt; and, if it be correct that the Government of the Porte objects to, and declines to entertain, the intimation of Her Majesty's Government forbidding the exercise of belligerent rights in the Canal, what measures he intends adopting for the proper protection of the Canal and its approaches?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the answer of the Porte to the communication of Her Majesty's

Government respecting the Suez Canal was received by Mr. Layard on the 21st. Therefore, we have not yet received it in full. The substance of it, as reported by telegraph, is as follows:—

“The Porte assents to the view of Her Majesty’s Government relating to the free passage of the Canal for all neutral vessels. As regards hostilities in the Canal and its approaches, the Porte states that as the Canal is part of the Ottoman Empire, and has never been declared neutral, they cannot permit the access to it of enemies’ ships. They state that they have taken measures to protect the two entrances from the approach of enemies’ ships, but that they reserve the rights of Turkey and her prerogatives as the territorial Power.”

It will have been seen from the Papers laid before Parliament that the Russian Government have declared that they will not “bring Egypt within the radius of their military operations,” and that they will “neither blockade nor interrupt, nor in any way menace the navigation of the Suez Canal.” Under these circumstances Her Majesty’s Government do not feel it necessary to take any measures for the protection of the Canal, inasmuch as they rely upon the undertaking of the Russian Government that it will not be endangered.

THE NEW FOREST.—QUESTION.

SIR CHARLES W. DILKE asked the Secretary to the Treasury, Whether it is true that the gates on the north side of Oakly Enclosure in the New Forest have been locked, so as to prevent access by a much used road to the beautiful old woods known as Oakly and Berry Woods; and, whether such locking of gates is not contrary to the assurances given by the late Secretary to the Treasury?

MR. W. H. SMITH, in reply, said, he had ascertained that the gates had been locked as stated in the Question; but that he had communicated with the Commissioners of Woods, and had reason to believe that the roads would be opened in a day or two. He did not think that the assurances given by the late Secretary to the Treasury on the subject applied to the locking of the gates in question; but he was ready to admit that they might very fairly be taken to mean that the public should not be deprived of the convenience afforded by the ancient paths and roads through the Forest.

VACCINATION ACT PROSECUTIONS— CASE OF JOSEPH ABEL.—QUESTION.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether he is aware that another summons was, on the 19th instant, issued against Joseph Abel, of Faringdon, for the non-vaccination of his child Frederick Joseph Abel; whether it is not discretionary with the justices (under 30 and 31 Vic. c. 84, s. 31) to refuse to make the order; and, whether, under the circumstances of the numerous prosecutions and fines inflicted upon the defendant, and in deference to the opinion of the Local Government Board, he will advise the justices not to make the order?

MR. ASSHETON CROSS, in reply, said, it was true another summons had been issued against the person in question. He should not wish to give any legal opinion as to the discretionary power of magistrates to refuse to issue such an order against a person for the non-vaccination of his children. The question was one which would more appropriately be put to the Attorney General.

LAW AND JUSTICE—THE ASSIZES.

QUESTIONS.

SIR WALTER B. BARTTELOT asked the Secretary of State for the Home Department, If his attention has been called to the fact that the Assizes throughout England have been fixed a fortnight earlier than usual; that this will have the effect of clashing with the Quarter Sessions which must be held on a certain week as fixed by Act of Parliament; that in several counties the Quarter Sessions will have to be adjourned, the courts being occupied by the Judges and the Bar, and that many officers of the county will necessarily be in attendance at the Assizes; and, whether he can give any hopes that this inconvenient state of things will be altered in the future, particularly as it is presumed a gaol delivery will be made at the Assizes whatever the nature of the offences may be?

MR. ASSHETON CROSS, in reply, said, he had been in communication with the Lord Chancellor and the Lord Chief Justice on the subject, and that he

hoped an arrangement would be made by which the inconvenience referred to would be obviated in future. If legislation was found to be necessary, it would be attended to without delay.

MR. C. W. WYNN asked the right hon. Gentleman, Whether the Judges do not go circuit under a commission of general gaol delivery; and, whether he is aware in Montgomeryshire that the Lord Chief Baron has declined to try any prisoners committed at the Sessions?

MR. ASSHETON CROSS, in reply, said, he was not aware that the Lord Chief Baron had come to any such decision. He would, however, make inquiry into the matter, and give the hon. Member the result.

RUSSIA AND TURKEY—THE WAR—
ASIA MINOR—SIR ARNOLD KEMBALL.

QUESTION.

MR. LAING asked the Under Secretary of State for Foreign Affairs, Whether he can give the House any information confirming or contradicting a statement of the correspondent of the "Daily Telegraph" at Erzeroum, to the effect that in the recent battle near Delibaba Sir Arnold Kemball was in such a prominent position with the Turkish army as to have been mistaken for a General acting with their forces, and to have only escaped the pursuit of the Cossacks by the fleetness of his horse; and, whether the instructions given to Sir Arnold Kemball and any other British officers accompanying the belligerent armies on either side, are such as to prevent them from doing anything inconsistent with a strict observance of the spirit and letter of Her Majesty's Proclamation of neutrality?

MR. BOURKE: Sir, no information has been received by Her Majesty's Government of the battle, the account of which is published in *The Daily Telegraph*, and which is reported to have taken place near Delibaba, and Her Majesty's Government, therefore, do not know what the position of Sir Arnold Kemball was on that occasion. With regard to the Instructions, about which the hon. Member asks me, given to Sir Arnold Kemball, I have to state that Instructions sent to Mr. Layard were to the effect that Sir Arnold Kemball was

Mr. Assheton Cross

to follow the operations of the Turkish Forces, and that he was to report to Her Majesty's Government the result of those operations. With regard to the position he was to occupy, he was to follow his own discretion in any actions that might take place. With respect to the discharge of his duties generally, he was desired to discharge the duty of a delegate from a neutral Government to a belligerent army, and he was further desired, if he saw any excesses committed on the part of individual soldiers, to report those excesses to the Turkish Government immediately, and to do what he could to prevent them. I may also mention that similar Instructions have been given to the other officers that are following the Turkish Army.

HIGHWAYS—LEGISLATION.

QUESTION.

SIR GEORGE JENKINSON asked the President of the Local Government Board, Whether the attention of the Government has been directed to the Report, in May last, of the Select Committee of this House on the Turnpike Acts Continuance, in which the following sentence occurs:—

"Your Committee must repeat their conviction that, unless some law is speedily enacted for the better management of highways, great injustice will be done to many parishes in consequence of the liability thrown on them of repairing roads which were constructed for the purpose of through traffic. Many roads will undoubtedly fall out of repair, and through want of timely legislation, much expense, which might have been avoided, will eventually be incurred in restoring the condition of these roads;"

this being a repetition of language equally strong in the previous Reports of May, 1875 and 1876; and, whether the Government intend to introduce, and to endeavour to pass during this Session, any measure to remedy the evils described in the Report referred to?

MR. SOLATER BOOTH, in reply, said, his attention had been directed to the recommendation referred to. He had brought the subject under the notice of the Government more than once, and they were anxious to legislate with respect to it, but they were not, as he had stated on a recent occasion, able to see their way to introduce a Bill dealing with it this Session.

DUBLIN METROPOLITAN POLICE—

CASE OF MR. J. A. BROWNE.

QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If he can state the result of his inquiries into the case of Mr. J. A. Browne of Dublin?

SIR MICHAEL HICKS-BEACH: Sir, during the tenure of office of the late Government, the Carriage department of the Dublin Metropolitan Police was re-organized, and Mr. J. A. Browne's services were dispensed with, under circumstances which appeared at the time to preclude him from receiving the usual grant of a retiring pension. Mr. Browne subsequently memorialized the Government for a re-consideration of his case, and last summer I undertook that it should be carefully investigated. Having had the benefit of the advice of the Irish Law Officers on the subject, I arrived at the conclusion that though Mr. Browne was open to serious blame for mismanagement and negligence during the later months of a long period of service, nothing was proved against him of a graver nature, such as would be necessary to justify the extreme course of depriving him altogether of his ordinary right to pension on abolition of office. I have, therefore, recommended the case to the favourable consideration of the Treasury, and I believe that their Lordships are disposed to award a modified pension to Mr. Browne under the powers vested in them by Parliament.

NATIONAL BOARD OF EDUCATION
(IRELAND)—HEAD TEACHERS OF
MODEL SCHOOLS.—QUESTION.

MR. FAY asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to act on the recommendation of the Commissioners of National Education in Ireland, by granting retiring pensions to the head teachers of Irish Model Schools?

SIR MICHAEL HICKS-BEACH: No, Sir, the Government have not felt themselves able to comply with the recommendation of the Commissioners in favour of this particular class of National School teachers. The whole

question of pensions is now under the consideration of the Government, and in accordance with the promise given to the hon. and learned Member for Kildare (Mr. Meldon), the matter will receive our best consideration.

NAVY—H.M.S. "INFLEXIBLE."

QUESTIONS.

MR. ASHBURY asked the First Lord of the Admiralty, If Her Majesty's Government, will, at an early date, appoint a Select Committee to inquire into questions at issue relating to the doubtful stability of H.M.S. "Inflexible?"

MR. A. F. EGERTON: The Admiralty cannot consent to the appointment of a Select Committee to inquire into the stability of the *Inflexible*. They consider there is no doubt of her stability, and are prepared to accept to the fullest extent their responsibility for the ship.

Subsequently—

MR. E. J. REED, in the absence of the First Lord, asked the Secretary to the Admiralty, Whether he will lay upon the Table of the House the official documents from which extracts were read in Committee of the Whole House by the late First Lord of the Admiralty on Monday evening, together with all other Reports which the Construction Department may have made to the Board upon the stability of the "Inflexible," and ships of her class?

MR. A. F. EGERTON, in reply, said, that he intended to lay on the Table the Report of the Director of Naval Construction, dated July 4, 1873, which was quoted by the right hon. Gentleman opposite (Mr. Goschen) in the recent debate on the Navy Estimates, together with other Correspondence and Reports bearing upon the question of the stability and efficiency of the *Inflexible*, and the Admiralty Minute stating the opinion of the Board thereon. He might take this opportunity of stating that there was at the Admiralty a floating model of this ship, and he had given instructions that if any hon. Member was desirous of seeing it, he should have every opportunity of inspecting it and of having such explanations given as he might think necessary, which bore upon the question of the stability of the ship.

MR. E. J. REED wished to state, for the information of the House, that the model referred to had been inspected by himself. [*Cries of "Order!"*] He had been invited to see the model, in consequence of the doubt raised as to the stability of the *Inflexible*. It was distinctly a model in which certain wooden material was placed that could not be removed; and it did not represent the dangerous condition of the ship. On the contrary, it represented a very different state of things.

ARMY—COURTS MARTIAL ON
SERGEANT M'CARTHY AND OTHERS.
QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for War, If he has any objection to lay upon the Table of the House Copies of the Reports of the proceedings in the Courts Martial held in the cases of Sergeant M'Carthy, Corporal Thomas Chambers, and John O'Brien, convicted for breaches of the Articles of War?

MR. GATHORNE HARDY, in reply, said, that in accordance with the Articles of War, any person tried by court-martial, or anyone acting on his behalf, was entitled to have a copy of the proceedings, if applied for within three years. It was now, however, 10 years since the courts-martial in question were held, and he did not think it would be conducive to public policy that a Report of their proceedings should, after the lapse of so long a period, be laid on the Table of the House.

THE SLAVE TRADE—BRITISH MERCHANT SHIPS.—QUESTION.

MR. ANDERSON asked Mr. Attorney General, With reference to the statement of the Secretary of the Admiralty, that H.M.S. "Rifleman" had seized twenty slaves on board two British ships in the Red Sea, the "Koina" and the "Rokeby," and that he referred to the Law Officers of the Crown, the question "whether any or what punishment can be awarded to captains or owners of ships so sullyng the British flag;" and, if he will inform the House whether British or International Law enables Government to punish officers or owners of British ships guilty of such offences in foreign waters, and if Government is

prepared to put in force such powers as they have?

THE ATTORNEY GENERAL: Sir, in answer to the Question of the hon. Gentleman, I beg to state that the statute 5 Geo. IV., c. 113, entitled "An Act for the Abolition of the Slave Trade," provides ample means for preventing owners or masters of British ships aiding in any way the Slave Trade, and the provisions of that statute contain very severe penalties; for instance, persons offending are liable to penal servitude for life. I have not received full information of the circumstances connected with the receiving on board the two vessels mentioned; but, certainly, if it should be brought to my attention officially that the officers or owners of British ships were guilty of violating the provisions of the statute to which I have referred, I should recommend the Government to institute proceedings against them.

POST OFFICE TELEGRAPHS—
TIPPERARY.—QUESTION.

MR. A. MOORE asked the Postmaster General, Whether, considering the great distances between the presently existing telegraph stations in the county of Tipperary, he could open fresh postal telegraph stations at Cappawhite, and also at either Emly or Galbally?

LORD JOHN MANNERS, in reply, said, that the cost was the difficulty in this matter of opening stations at Cappawhite and Emly. He was sorry to say he could not hold out any hope of being able to make the extension at the expense of the Department.

INDIA—THE FULLER AND LEEDS
CASE.—QUESTION.

MR. FAWCETT asked Mr. Chancellor of the Exchequer, Whether, as there is a Motion on the Paper challenging the action of the Secretary of State for India in reference to the Fuller and Leeds Case, he will give the House an opportunity of expressing its opinion on that Motion; and, whether he can make any arrangement which will enable the Right honourable Gentleman the Member for the University of London, who has given Notice of that Motion, to bring it forward at such a time that a division upon it can be taken?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he should be glad if the opportunity in question could be found. He was unable, however, in the present state of Public Business, to promise to make an arrangement for bringing it forward.

ARMY—PROMOTION AND RETIREMENT
—THE WARRANT.—QUESTION.

MAJOR O'GORMAN asked the Secretary of State for War, Whether there is any Military objection to the presentation to the House of Commons, by Military Officers, of Petitions in favour of the publication, prior to the expiration of the present Session, of the long-expected Warrant regarding promotion and retirement?

MR. GATHORNE HARDY: In reply to the hon. and gallant Member for Waterford, I am sure with his experience of military discipline I need not point out that it would not be right for military officers to present Petitions to this House on the subject. If any officer wishes to make a complaint, and takes it to the Commander-in-Chief, it will receive every attention.

CRIMINAL LAW—MURDER OF
SERGEANT BRETT.—QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, If he has any objection to lay upon the Table of the House Copies of the Reports of the trials held at Manchester in 1867 in connection with the shooting of Sergeant Brett?

MR. ASSHETON CROSS: There are no official Reports connected with this matter that I am aware of. No doubt, there are the shorthand-writers' notes, and I believe the newspapers of the time gave very full reports of the trial; in fact, they contain all the information it is possible to get. I have nothing to add to what was published.

SUGAR CONVENTION.—QUESTION.

MR. THORNHILL asked the Under Secretary of State for Foreign Affairs, Whether, having regard to the injury inflicted upon the sugar producing colonies of Great Britain by the system of granting bounties on the export of sugar, adopted by various Continental

countries (which injury is complained of in a Petition which has been presented to Parliament by the inhabitants of Barbadoes), Her Majesty's Government can give any assurance to the House that the Convention recently concluded at Paris will be ratified by the contracting Powers at the time specified; and, if not, if he could state what is the reason of the delay, and what steps Her Majesty's Government propose to take to place the sugar trade of the four contracting countries upon that equal footing which it has been the object of negotiations for many years past to establish?

MR. BOURKE: Sir, the draft of a Sugar Convention was signed at Paris on the 7th of March by the Delegates of Great Britain, Belgium, France, and Holland, subject to the approval of their respective Governments. In consequence of the modifications proposed by the Netherlands Government to be made in the Convention with the object of securing its acceptance by the States General, the Convention has not up to the present time been formally accepted by the Governments of the Powers interested. Her Majesty's Government have used and are using their best endeavours to bring the matter to a satisfactory issue; but it will be necessary that the Convention, when accepted by the Governments of the contracting countries, should be approved by the Legislative Assemblies of France, Belgium, and Holland before it can be ratified.

ARMY—RETIREMENT ON FULL PAY.
QUESTION.

COLONEL ALEXANDER asked the Secretary of State for War, Whether permission to retire on full pay has been refused to several field officers who are entitled to it, on the grounds that no funds are available for this purpose; and, whether any of these officers have been pronounced medically unfit for further service?

MR. GATHORNE HARDY, in reply, said, officers in the Army had no right to retire on full pay unless sufficient funds were available. A limited sum was granted for the purpose, and unless vacancies occurred it was impossible for officers to retire on full pay. Two Majors had been reported as medically unfit for further service. One of these officers

had just received full pay from the fund in consequence of a vacancy, and the other would also receive it when a vacancy occurred.

THE NAVY—SHIPS OF WAR—A SELECT COMMITTEE—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, If Her Majesty's Government will, without delay, appoint a Select Committee to inquire into the system now in practice for ascertaining, first, what are the various classes or types of vessels which best meet the requirements of Her Majesty's Naval Service; and, secondly, what is the system in practice for obtaining the most efficient designs for such classes?

MR. A. F. EGERTON, in reply, said, that the Admiralty could not consent to the appointment of the Select Committee referred to.

ORDER—COMMITTEE OF SUPPLY.

RESOLUTION.

THE CHANCELLOR OF THE EXCHEQUER moved, in pursuance of Notice, "That this House will immediately resolve itself into the Committee of Supply."

MR. PARNELL wished to know, as a matter of Order, whether the Motion could be put from the Chair, except with the unanimous and universal consent of the House?

MR. SPEAKER: The House is aware that in consequence of the count-out, the Committee of Supply on Friday night last became a lapsed Order. Therefore, the House cannot go into Committee of Supply to-day unless the Order is again set up. The proceeding is usual and reasonable, and no other Notice besides that which appears on the Paper to-day is necessary, according to the practice of the House.

SIR COLMAN O'LOGHLEN said, that it was a new practice, which was only introduced in 1861 by Lord Palmerston, the usual course previously to that, according to Sir Erskine May, having been when Supply became a dropped Order on Friday, to set it up again for the following Thursday. It had not been adopted more than three or four times of late years, and in his opinion the Motion under discussion ought not to be regarded by the House as an ordinary Motion. In the course of

last year, on June 26, Mr. Disraeli had formally moved that the House should resolve itself into a Committee of Supply, because there had been a count-out. The House ought to be jealous of any interference with old-established forms. Besides, private Members had an interest in keeping Friday; but if when a count-out occurred on that day, the Government took Monday as a matter of course, it would have no object in keeping a House on Friday. For what reason, then, was the old rule departed from on the present occasion?

MR. W. H. SMITH said, that the fact that the Secretary of State for War last week had put down the Army Estimates for that evening was a sufficient reason for the course the Government had taken. A pledge had therefore been given by the Government to that effect, and hon. Members had come down to the House expecting, of course, that the arrangement would be carried out. It would, therefore, cause great inconvenience as well as trouble if that understanding were now departed from, simply owing to the accident of a count-out. He did not know whether the right hon. and learned Gentleman opposite (Sir Colman O'Loghlen) was in his place on Friday evening; but the Government made every effort to keep a House, and were present in considerable numbers; but it was impossible to keep a House, and, great as was the inconvenience on Friday night to several hon. Members, it would be still greater that night if the course of Business were disturbed and the Votes could not be taken. The practice of the House for the past 16 years in this respect had been one which had met with universal approval, and had arisen from the necessity of advancing Public Business.

LORD ROBERT MONTAGU said, that the custom was for dropped Orders to be put down at the bottom of the list of Orders for the Day ensuing, and the Motion for going into Committee of Supply ought to have been the last on the list. Sir Erskine May, however, had said that a Motion for Supply did not become a dropped Order—so that no question of the kind could occur. But in the year 1861 Lord Palmerston had connived at Supply being dropped by reason of a count-out, and had made a Motion like the one before the House, on the first day of the holidays. Of

Mr. Gathorne Hardy

course, it would not be contended that all that Lord Palmerston had done was necessarily right. The Secretary of the Treasury had spoken of the uniform custom of the House for the last 16 years; but he himself had found no such uniformity. He had investigated the matter, and had found several instances of Supply and other Orders having been dropped by a count-out, and on those occasions the Government of the day had put them down again, not immediately, but after the lapse of a few days. He remembered, too, that Bills under the charge of the right hon. and learned Member for County Clare had been treated in that manner. It seemed, then, that with the exception of the one precedent created by Lord Palmerston—and that a precedent that ought not to be followed, inasmuch as it was a direct violation of the Rules of the House—the custom of the House was against the Government. Rules and precedents were made to restrict the action of the majority, and he did not desire to see any of them abandoned.

MR. PARNELL understood that the Notice of this Motion was not given in the usual way; but it was given after the Speaker left the Chair. He supposed that the Clerks at the Table knew the circumstances under which the Notice of the Motion was given; but he understood that the Speaker had left the Chair; and he wished to know under those circumstances whether, in the event of any objection being taken to the Motion, it would be proceeded with?

MR. SPEAKER: Before the House was counted out the Motion was perfectly in Order. If any objection is raised, I shall take the sense of the House in the usual way.

MR. WYKEHAM MARTIN hoped the sense of the House would not be taken on the subject, for this simple reason—that Her Majesty's Government had made arrangements to enable hon. Members to bring on questions in which they were interested, and if the Motion was not agreed to the rights of private Members would be extinguished. He had himself come a considerable distance with a view of supporting the Motion of an hon. Member.

THE MARQUESS OF HARTINGTON said, he imagined if the Motion of the right hon. Gentleman opposite (the Chancellor of the Exchequer) were carried it

would still be competent for hon. Members to proceed with their Notices on the Question that the Speaker do leave the Chair. But he hoped the House would not be put to the trouble of dividing. It was quite possible, as the right hon. and learned Member for Clare and the noble Lord the Member for Westmeath had remarked, that the proceedings in the matter were a little awkward and not altogether consistent. But the House ought to recollect how this difficulty arose. It arose from the application of two arrangements, both made by the consent and for the convenience of the House. The first arrangement was that Supply should be the First Order on Friday to enable hon. Members to raise discussion; and the other was, as the House had lately decided, that the Sitting should be specially adapted to the business of Supply. If the Government had followed any other course than that which they had adopted, the House would have had very just reason to complain. As had been stated by the hon. Gentleman the Secretary to the Treasury, Notice was given last week that the Army Estimates should be proceeded with to-day; and if hon. Members found that in consequence of what had occurred on Friday night the Army Estimates would not be proceeded with, but that some Bill would be brought on which they had not expected, the House would have had much more reason to complain.

SIR COLMAN O'LOGHLEN said, he had made no Motion on the subject; but had simply called attention to what had occurred. He hoped that the course which in this instance had been adopted by Her Majesty's Government would not become the ordinary practice.

Motion agreed to.

Resolved, "That this House will immediately resolve itself into the Committee of Supply."

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—ROYAL ARTILLERY AND ENGINEERS—ARREARS OF INDIAN PAY.

MOTION FOR A SELECT COMMITTEE.

COLONEL JERVIS, in rising to call attention to the Papers respecting the

arrears of pay due by the Government of India to Officers of the Royal Artillery and Royal Engineers; and to move that they be referred to a Select Committee, said, that the case concerned the Department of the Secretary of State for India, but it related to Her Majesty's British troops, and as they knew of no one to whom they were responsible but the Secretary of State for War, there was no other to whom they could look for redress of grievances. It was so laid down in the Articles of War. The matter, though relating to a small body of men, 250 in number, really involved a matter which could not any longer be overlooked—namely, the broad principle whether Her Majesty's troops when ordered to India were not entitled to all the rights and privileges conferred on them by the Crown and recognized by Parliament. He held that they had hitherto been deprived of those privileges, and his object was to press their case upon the Government. On the 22nd of February, 1872, Lord Cardwell, among other reforms, brought before the House the subject of the re-organization to a great extent of the Artillery and Engineers. That was no new subject. For many years the slow course of promotion had attracted attention, and in 1867 the right hon. Member for Pontefract (Mr. Childers) moved for a Committee to inquire into the matter. On that Committee sat the noble Lord the Leader of the Opposition. It was perfectly unanimous in its Report; but, on further consideration, there having been a change of Government, Lord Hampton considered the scheme recommended more expensive than he would like to present to the House, and he appointed a Committee at the War Office to consider the Report. Among the recommendations made by the Committee was that in future, on account of the changes which had occurred in the Artillery and Engineers, the first captains should be field officers. The thing was dropped, and in 1871 the question was brought before the House, and Lord Cardwell stated that a Commission had been ordered to go thoroughly into the whole question. In 1872 Lord Cardwell distinctly stated that the rank of field officers would be given to the first captains of the Artillery and Engineers. The question, however, was not then settled, and a considerable party

was formed against the proposal, on the ground that it would interfere with the rights of officers of the Purchase Corps. On the 18th of June, 1872, an Address was moved and carried in the House of Lords, praying for a Commission to inquire into the alleged injustice to the Purchase Corps, and that the Royal Warrant should not be issued until the Commission had reported. In reply to that Address, Her Majesty stated that she was advised that the delay asked for in the issue of the Royal Warrant would be inexpedient. On the 28th the late General Sir Percy Herbert brought forward a Motion in the House of Commons to the effect that the matter should be re-considered. Lord Cardwell, in his reply, distinctly dwelt on the arrangement made with the India Office that field rank should be given to the first captains, and said that nothing should prevent him from carrying the scheme into effect. General Sir Percy Herbert did not get a Secunder. On the 5th of July, 1872, the Royal Warrant was issued granting the increase of pay and rank to these officers. On the 15th of August the Royal Warrant was published in India. Yet, after the decision of the House and after the publication of the Royal Warrant, it was not recognized in India, and the officers had received neither increase of pay nor rank. As soon as the Order was read in India the officers concerned had remonstrated by submitting their grievances through their commanding officers to the Commander-in-Chief, who considered they were justified in their application, and who forwarded the matter to the Government of India. The Government of India also thought these officers were entitled to have their grievances remedied, and it accordingly forwarded their application to the Secretary of State for India. The Secretary of State for India said, in his reply, that they were British officers; that the complaints should have gone through the Commander-in-Chief to the Secretary of State for War; and, in the meantime, he asked the Government of India to give him further information. According to this decision two officers made their complaint, and after four years of constant applications forwarded through the proper channel, the latest answer they had got from the War Office was in July, 1876, to the effect that the Petition of

regimental officers for increased Indian pay and allowances would be submitted to Parliament in due course. But, in point of fact, the officers never petitioned; they merely asked for what was due to them. Up to the present time, no step whatever had been taken in India to carry out the Warrant. Letters had not been replied to, and the officers were wholly at a loss to know on what ground they had not received what they were entitled to under the Royal Warrant. But although no reply had been given, several excuses had been made, both in that House and out of it. It had, indeed, been said that Royal Warrants had no effect in India. He had, however, taken the trouble to peruse all the General Orders issued in the Bengal Province since the British troops formed part of the Forces in India, and he could find no instance on record of any Royal Warrant affecting promotion and pay which had not been recognized in India, and recognized from the date of the Warrant. If the Royal Warrant signed by the Secretary of State had no effect in India, why were these officers not told so before? From year to year these officers could get no answer, and the Commander-in-Chief in India could get no answer to their applications on the subject. It was also stated that the officers of the British Army were entitled to British pay. If so, why was it that they never got it? The officers complaining, though raised to the rank of major, never received the pay of majors, they only received the pay of captains. He was not sufficiently skilled in constitutional law as to say whether it was correct or incorrect; but looking at the question from a plain, common-sense point of view, he was of opinion that these Royal Warrants were not concocted by the Secretary of State, but were the result of the united deliberations of the Cabinet; and since India had been held by England, there was no precedent whatever by which any officer, if he obtained substantial rank, did not receive the allowances of that rank as well as the British pay of that rank. Another reason assigned for the non-recognition of those officers was that the India Office had not been consulted in the matter; but from the evidence given before the Committee on East India Finance it showed that in

the opinion of the Secretary of the Military Department for the time, in the opinion of Lord Cardwell, and of His Royal Highness the Commander-in-Chief, the India Office had been duly communicated with in reference to the changes effected in the military organization. He came next to a rather peculiar point. As the House were well aware, the Government of India, following a system which had been more or less prevalent in Europe a century ago, made special allowances to officers for the equipment of their regiments. The last instance of this was the old regimental-clothing colonel, who received allowances for clothing his regiment. The system was objected to by His Royal Highness the Commander-in-Chief, when the Royal Artillery was first sent out to India, and also on subsequent occasions, though it was approved of by Lord Panmure, Lord Ellenborough, and the Court of Directors. In 1859 and 1861 the Indian Government rather objected to it, on the ground that the stores sent to Bombay were said to be rotten. A Committee was then formed, of which Sir George Barker, who died early in India, was the Chairman, and that Committee reported against the system, but the Government of India considered it so essential on the ground of economy, that it was established throughout India. Lord Cardwell said that many officers made large sums of money out of these contracts and other matters; but the Duke of Argyll asked for further information with regard to them. An inquiry was instituted, and at the end of 18 months the result was that it appeared that, taking the whole of those contracts all round, able and experienced officers might make something like 25 per cent out of them, but that officers who were new to Indian Service, or who happened to have particularly long marches, were likely to be losers. The Government of India, finding that to be the case, and being desirous of extending the system, went further into the matter, and the result was that a confidential Circular was sent round to the officers commanding the Artillery in India, asking them to carry on these contracts at a higher rate than they were then receiving, but they declined to have anything further to do with them. The Government of India then took legal advice on the matter, which was to the

effect that they could not force these officers to have to do with these contracts, and that they would have to take them over into their own hands. In a final Report, however, the Government of India said that whether the officers had made any money out of the contracts or not they had carried out their part of the bargain, and the matter had nothing to do with the question of their pay. They further said that if the officers had made money, it could be no excuse for withholding the pay from them. Lord Salisbury, in 1874, agreed in this view; and in July of that year he (Colonel Jervis) was informed that a Warrant would be sent out on the subject of the pay. The Warrant was not published in India till January following, and was not to take effect till April. Memorials and confidential communications on the subject were forwarded from India, but none of them, he believed, ever reached the War Office. It had been stated that when Lord Cardwell had promoted them it had been on the understanding that no increase was necessary to the pay and emoluments of commanding officers of batteries, and that any increase allowed should be charged on the Indian revenue. Lord Cardwell afterwards said—

“that financial considerations ought not to be overlooked; but he must consider what was just and expedient for the British Army; and that could not be set aside because the conditions in India were different from others.”

The Indian Government had admitted that the officers in India had to pay for fuel and travelling expenses, which in England were defrayed by the Government, and their pay was liable to income tax. His reason for bringing the subject forward was that British officers in India had no one to look to but the Secretary of State for War. These officers had been played with, the Secretary and Under Secretary of State being the battledores, and the officers the shuttlecocks, for the last five years; and sending them from the India Office to the War Office, and *vice versa*, was a system of dealing with the Indian Army that was utterly pernicious and destructible of discipline and good feeling. This same kind of conduct was pursued by the India Office towards non-commissioned officers. In June, 1875, a letter, however, was written by the Commander in Chief, bringing the subject under the

Colonel Jervis

notice of the War Office and requesting a settlement; but so far as he could make out no reply was sent to that letter. They were told that it was under consideration. A second letter was sent by the Commander in Chief to the India Office, but with no better result. He had heard, indeed, from Mrs. Grundy that the India Office could hold no communication with the Commander in Chief on the matter; and that it had taken three weeks to find out what portion of the Secretary of State's Department had to communicate with the India Office. In the meantime, the Commander in Chief in India had declared that that the matter would be brought before Parliament. It never had been; and as the subject could no longer be allowed to remain in abeyance, he had no alternative but to take the duty on himself. If these men were wrong and were not entitled to anything, why not tell them so in the first instance, and not go on in suspense for five years and then leave them where they were? The course that had been pursued had had the effect of making the Commander in Chief look absurd in India, and discipline was interfered with in consequence. His Royal Highness was colonel of the Royal Artillery and of the Royal Engineers, and how could he meet the officers? He believed that the right hon. Gentleman the Secretary for War would admit that these gentlemen were entitled to the money. As to Lord Salisbury, who had done so much to put an end to ill-feeling in other branches of our Indian Service, he believed he was utterly unacquainted with the real state of affairs, for he was not the man to take refuge behind the Council of India. And what, he would ask, would be the feelings of those officers if, after they had been officially informed that the question of their grievances would be brought before the House of Commons, the House were that evening to say they would not entertain it? Such a course could only serve to impress the whole Army in India with the idea that a man the moment he left this country was at the mercy of the India Office, and if such a case as the present were slurred over we might not find it so easy to find men again when we required their services. The hon. and gallant Gentleman concluded by moving for a Select Committee to inquire into the subject.

COLONEL NORTH, on rising to second the Motion, said, that his hon. and gallant Friend had left very little for anybody to say on the subject; but he must express his astonishment at the manner in which these gallant officers had been treated, not the slightest attention having been paid to their remonstrances. An answer had not been received until 18 months after a letter had been written. These officers appeared to have done everything that officers were bound to do; their remonstrances had been couched in the most respectful terms, and he contended that they had not been well treated. A Committee ought to be appointed to inquire into the grievances, and if his hon. and gallant Friend pressed his Motion to a division he should certainly vote for it.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Papers respecting the arrears of pay due by the Government of India to Officers of the Royal Artillery and Royal Engineers be referred to a Select Committee,"—(*Colonel Jervis*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD GEORGE HAMILTON said, he would briefly state the reasons why the noble Lord the Secretary of State for India had, with the unanimous approval of his Council, declined to admit the validity of the claims now made. Lord Salisbury, as his hon. and gallant Friend (*Colonel Jervis*) truly remarked, had given considerable attention to the grievances of Indian officers, and had dealt with them fairly and liberally. Therefore the House might be assured it was not without strong grounds that his Lordship took the course he had taken in the matter. A great deal had been said about the pay of British officers. Now, British officers were liable to serve in any part of Her Majesty's dominions. Whatever part of those dominions they might be in, they were legally entitled to the British pay of their rank. It was not alleged that the officers referred to in the Motion had not received that pay. On the contrary, he would show that they had received a great deal more. As long as British officers were paid by the English Treasury they scarcely ever received anything more than the British

pay of their rank. In Ceylon, in Hong Kong, and some places elsewhere they received small Colonial allowances; but in India, and in India alone, allowances were given which were in many cases three times, and in all cases twice as much as officers received in any other part of Her Majesty's dominions. The Indian Government had never hesitated to treat the officers thus liberally, on the understanding that they alone should have the control over the extra pay and extra allowances. The difference between England and India was as follows, taking the rupee at 1s. 9½d.:—A lieutenant-colonel of Cavalry received £474 in England, and £1,673 in India; a lieutenant-colonel of Infantry, £365 in England, and £1,539 in India; a lieutenant-colonel of Artillery, £328 in England, and £1,109 in India; a captain of Artillery, £200 in England, and £466 in India; and so on. When the India Office gave their assent to a Royal Warrant, they were always very careful first to ascertain what additional charge should be imposed upon their military expenditure. In 1872 the India Office heard indirectly that there was an intention on the part of the War Office to make the promotions in rank which had been referred to; and in February, 1872, a letter was written by the Duke of Argyll to the War Office, pointing out that the effect of the proposed promotion would be to increase the military expenditure of India if they carried Indian allowances. Lord Cardwell, in reply, said that the financial arrangements of India and the military allowances were controlled by the Secretary of State for India, and if he thought them too large he could reduce them. That circumstance alone showed that there was a perfect understanding between the two Secretaries of State upon the subject. If the claim now brought forward were forced on the Indian Government it would involve an increased charge of about £50,000 a-year on the revenues of India. The objection of the India Office to the proposal was two-fold. They thought the promotion was unnecessary; but as the question was a military one, they waived that objection. But they also had a financial objection, for the Royal Warrant, as originally proposed, was drawn in such a manner that it put the officers promoted in the same position as other

majors of the Army. They feared that claims such as the present might be preferred, and accordingly the Royal Warrant was purposely altered to prevent them being made. The Indian Government having received a number of Petitions from these officers, who thought they were entitled to get the same pay as other majors, wrote to the Duke of Argyll suggesting the abolition of what was called the contract system, and an increase of the rate of pay of all the officers who had been recently promoted. The contract system, by which all captains of batteries were enabled to make considerable profits, was a bad system, and the Royal Artillery had always objected to it. The great majority of the first captains of Artillery in India were in receipt of these contract allowances, and Sir George Barker in 1860 had advised an equivalent in the shape of long pay. He put it at 300 rupees per month, but the Indian Government now estimated it at between 150 and 200. The Duke of Argyll, however, required accurate information before he decided on the amount to be given. This information arrived from India after the noble Duke had left office; and Lord Salisbury, who succeeded him, gave his assent to the increased expenditure as soon as the contract system was abolished, which took place on the 1st of April, 1875. This was done to remove a grievance and to get rid of an objectionable system; but now, after making this concession to the officers, and giving them increased pay, the Indian Government were asked to give this increased pay in addition to the contract allowances from the date of the Royal Warrant—in other words, the Royal Warrant issued in England must *ipso facto* carry with it Indian allowances and Indian pay. If that were once admitted, it would destroy the fundamental principle of Indian finance; and he was sure the Secretary for War would not desire such an alteration, which would also involve the English military authorities in great difficulties. His hon. and gallant Friend had wished the case to be referred to a Select Committee; but in doing so they would only follow up a foregone conclusion. The whole question, in fact, was whether they were dealing with arrears of pay, or with a demand for increased pay. Lord Salisbury having looked carefully into the

Lord George Hamilton

facts, had come to the conclusion that this was a claim which could not be admitted. His Council, which included several military men, who were usually tender towards grievances, were unanimous in their opinion of it. The Indian Council, it should be remembered, had by Act of Parliament an absolute veto upon all expenditure, and he could not imagine that Parliament would take away from it that control and transfer it to the War Office. Certainly it was to be regretted that any of the officers should have made complaints for some time without being answered; but the Secretary of State was giving the matter his attention, and Papers would soon be on the Table of the House. The transaction had occurred before the present Government entered office, and their claims were a legacy which, however unpleasant it might be, would have to be settled. It was plain, nevertheless, that the charge ought not to be on the revenues of India, and the Duke of Argyll, had he anticipated them, would never have agreed to the Warrant. His hon. and gallant Friend had stated that the case was before Parliament; for his own part, he did not think so, though, no doubt, Parliament was the ultimate appeal. He was not sorry that appeal had been made, for it had given him an opportunity of mentioning the circumstances under which the Warrant had been issued; the conditions imposed by the Duke of Argyll, and the care he had taken to state distinctly that he did not intend to allow the charge to be placed on the Indian revenues. Under these circumstances, he must ask the House to negative the Motion; for if the question had concerned the finances of England, there would have been but one answer—namely, that of the English taxpayer: he believed, however, that the House would in like manner protect the taxpayers of India.

CAPTAIN NOLAN said, that according to Lord Cardwell, it was intended that the rank of major in the Artillery should carry the pay of major of the Line. Nothing could be clearer than that; but the fact was that there was a want of correspondence between the two offices, and the India Office had repudiated the increased pay. The noble Lord had referred to a letter in which the India Office had refused to sanction the increased pay; but these words oc-

curring in another part of the same letter—

“It must, at the same time, be considered that what is just to the British Army cannot be set aside, because the peculiar arrangements of India render the change more expensive.”

The noble Lord had endeavoured to prove that the two Offices had acted in concert to oppose the pay from the year 1872 to 1874; and he could demonstrate that the War Office could not possibly interfere. The fact was that up to 1875 there was no possibility of the War Office objecting. He believed that the War Office and the India Office were acting together now; but were they to take the answer of the noble Lord as final, or were they to expect to hear something from the Secretary of State for War; because, if the noble Lord spoke not only for the India Office, but also for the War Office, why did not Lord Cardwell speak not only for the War Office, but for the India Office, in 1872? The fact was that for two years they had been giving these officers a superior rank without any increase of pay, and the consequence was, that they had to maintain a superior position and to meet heavier expenses without a similar increase of income.

GENERAL SIR GEORGE BALFOUR supported the Motion. He was in favour of the utmost economy being at all times exercised with regard to the finances of India; and at no previous period, not even when the finances of India were in great disorder after the Mutiny, was real economizing in the management of Indian expenditure more needed than at the present time, when new or additional taxes were about to be laid on the people of India in order to meet imprudent and unwise outlays; but, at the same time, he thought justice ought to be done, and that there were many openings both in the civil and military services for effecting these economies without resorting to the objectionable practice of withholding from individuals their fair and reasonable claims, and on this broad ground he considered every officer entitled to the remuneration which the custom of the service had entitled him. At all events, it was right that the interests of these officers should be protected at any cost. Injustice had already been done to the Artillery officers in that case—he cared not by what means or in what way—and a remedy

ought to be found. When the Government saw fit, whether rightly or wrongly, to raise first captains to field rank they were bound to give them the pay of that rank. It had been stated by the noble Lord that Artillery officers had been already sufficiently remunerated in India by contract allowances. Well, he admitted that some Artillery officers had made money by contract allowances; but many who were careless did not cover the expenses they had incurred. But it was wrong to say that the officers alone benefited by these contracts, for the Government of India was far more benefited; the work done for the money paid under these contracts between the commanders of batteries and the State was far more cheaply, and, on the whole, as efficiently done than if the Government had retained the duty. Besides, the abolition of the contracts could have easily been ordered in 1872 as they had been since; it was, therefore, in the interests of the State that these contracts were kept up until 1875, and, being so kept up for the benefit of one party, there was no reason for keeping back the pay of majors until the Government found it convenient to undertake the work. Then, another reason might be urged, that though 58 battery officers were in receipt of profits from contracts with the Government to maintain batteries and houses in an efficient state out of the allowances, yet there were 28 battery commanders who had no such contract allowances, but who, holding the rank of major, were only paid as captains, being a course entirely at variance with all the precedents in India. On this ground he supported the Motion.

SIR WALTER B. BARTELOT said, that this was a question which had been going on for several years, and, as had been admitted by his noble Friend, no answer had been given either by the Office of the Secretary of State for War, to which the officers looked, or by the India Office, who were to give the extra pay. That no answer should have been given was a great grievance in itself, and ought not to be tolerated by the House. It was a plain, straightforward question, and it was a mischievous and a miserable thing that a question of pay and allowances should be bandied about between two great Offices of State, the War Office and the India Office, and

that neither of those two great Departments should have taken it up and settled the question. He had himself formed part of a deputation to his right hon. Friend the Secretary for War in relation to this subject; and, judging from his words, as well from the expression of his countenance, he certainly understood that he thought the officers had a very good case, and that he would be prepared fully to endorse what Lord Cardwell had stated in that House, when without any reservation he declared that it was necessary in the interests of the service that first captains of Artillery and Engineers should have the substantive rank of majors in the Army with the pay and emoluments of that rank. He therefore hoped the House would pause before they gave a vote adverse to the Motion of his hon. and gallant Friend (Colonel Jervis). A compromise had been arrived at in 1875 which now satisfied the officers, and it was only right that the claims of those who served as majors from 1872 to 1875 should be allowed. He looked to his right hon. Friend, in conjunction with the India Office, to do justice to these men.

MR. GATHORNE HARDY said, that during the discussion he had been so frequently appealed to, that he thought it his duty to say something with reference to the question. It was quite true that when he first heard of this case, and especially when he received the deputation which had been alluded to by his hon. and gallant Friend, he thought a great deal of it—that it required further investigation, and so far as the War Office was concerned there had been no lack of energy in calling upon the India Office to say whether they would do what was required or not. The Secretary of State for India in Council had the power conferred upon him to say what they would pay out of the India finances in respect of the Army; and it was to them he had had to appeal, and to them they must look for a decision. At the same time, he ought to say that when he read the answer of Lord Salisbury, which he was sorry, through some misapprehension, was not on the Table of the House, he had come to the conclusion that, though there had been some confusion in the beginning of the case, there was an explicit understanding that if these

majors were made, their promotion was not to entitle them to these additional allowances in India, entailing such a large expense. One fact which showed that that must have been the case was this—There was the arrangement of contract allowances to captains in India, on which it had been said some of them made a profit of 25 per cent. Captains of Horse Artillery in India received £605 independent of contract allowances, whereas majors at home had only £356 5s. 6d. Captains in India had nearly double what majors had at home, so that being made a major probably brought a man up to what he had as a captain in India. But there were others who had not these contract allowances; and the Duke of Argyll showed how entirely he considered the matter was in his own hands; as, in order to equalize the receipts of these two classes, he raised those who had not these beneficiary contracts from 30 rupees to 100 rupees per month. And these officers, who thus had their pay increased, were amongst the majors who were now asking for arrears. They were not, in fact, arrears of pay at all—they were allowances given in India at the discretion of the Indian Government. They were under the control of the Secretary of State for India in Council. After a full consideration of all the circumstances of the case, Lord Salisbury had, he believed, judiciously come to the conclusion that they were not bound to give these arrears. No doubt the intention of Lord Cardwell had been to put the majors in India on the same footing as majors of the Line; but when he consulted with the Secretary of State for India a difficulty arose which he did not foresee with reference to the charge on India, and an alteration was made in the Warrant accordingly, making it imperative on the Government of India not to pay those claims. The Duke of Argyll, in order to compensate those who had not contract allowances, added to their income 70 rupees per month; but though the majors were content to receive an increase of income of 70 rupees per month from the Secretary of State for India, they refused to accept any decrease of pay from the same authority, although that discretion was clearly given to him by the Act. Sir John Adye had gone fully into this matter, and was clearly of opinion that these

Sir Walter B. Bartlett

majors were not entitled to have the full pay and allowances of majors in India; and that was acted upon from the beginning. It was a great pity there had not been more negotiation at first, and that everything had not been put in writing on a clear and accurate footing; but the Indian Government had acted throughout in good faith and honour in the matter with the War Office, and he could not but support his noble Friend the Under Secretary in the conclusion he had come to.

SIR HENRY HAVELOCK said, it was immaterial whether the late or the present Government were to be blamed for the lapse that had occurred with reference to this subject. This was a question of justice and truth, and it ought not to be decided on narrow technicalities. He would ask whether, when these officers were promoted to the rank of major, they were informed that they would not receive additional pay in the usual manner—namely, by a General Order of the Governor General in Council? [MR. GATHORNE HARDY: There was a General Order issued in August.] It was not issued in the usual terms; and as there had been a misunderstanding on the subject, he thought as a point of honour they ought to do what these officers asked, and not, at any rate, allow their case to be bandied about between the two Offices without any notice being taken of the grievance under which they undoubtedly suffered. The refusal to pay what the officers believed they were entitled to, had created a great deal of dissatisfaction, and if the hon. and gallant Member opposite (Colonel Jervis) insisted on a division he should feel bound to vote with him.

MR. CAMPBELL - BANNERMAN said, the following were the words used by Lord Cardwell in introducing the Army Estimates in 1872:—

“We now propose to establish the rank of major in the Artillery with a pay and position similar to that of major in the Line.”—[3 *Hansard*, ccix. 892.]

But no one in the House at the time, and no officer interested in the matter, could suppose for a moment that Lord Cardwell had control over the revenues of India. The pay and allowances of the Army in India rested absolutely with the Indian Government, and when Lord Cardwell made the statement, he was

perfectly acquainted with the fact. When the time came for the Warrant to be issued, Sir Thomas Pears pointed out the existence of the contract allowances, and showed that to give the Artillery majors the full pay of Line majors, in addition to those lucrative allowances, was to impose too great a burden upon the Indian taxpayers. It was to avoid this that a break was made in the rate of pay, and it was fixed at 14*s.* 6*d.* and 18*s.* 6*d.*, with a command allowance of 1*s.* 6*d.* That allowed the Indian Government to make such an arrangement as they chose, and prevented them from being saddled with an expense altogether out of proportion to that which they were entitled to bear. As to those arrangements anyone who knew Lord Cardwell knew him to be a man who would not make any statement unless he was able to carry it out, and yet such a statement he would have made had he promised these officers additional pay in India. Sir Thomas Pears, whom the hon. and gallant Member (Colonel Jervis) had attacked, was a man of the highest honour and integrity, and there was nothing contradictory between his statement and that which his noble Friend had made in this House.

Question put.

The House *divided*:—Ayes 93; Noes 145: Majority 52.—(Div. List, No. 190.)

Words *added*.

Main Question, as amended, proposed.

SIR GEORGE CAMPBELL, in opposing the Motion, said, he had often heard that no interest was taken in Indian affairs, unless personal matters were involved. He confessed that when he compared the attendance that evening, when a question had been before the House affecting certain persons outside the House, who, however, had strong influence inside the House, with the attendance the other night when the Indian Budget was under discussion, and when the whole question of Indian finance was being debated, he was obliged to come to the conclusion that those who made this statement were right. The vote just given, if effect were given to it, would reverse the whole policy on which was founded the financial Government of India. He would yet trust that, in the end, the

official statements would prevail over the impassioned appeal which had been made that evening. He should, therefore, again divide the House against the Motion.

The House *divided*:—Ayes 104; Noes 56: Majority 48.—(Div. List, No. 191.)

Resolved, That the Papers respecting the arrears of pay due by the Government of India to Officers of the Royal Artillery and Royal Engineers be referred to a Select Committee.

SUPPLY.—COMMITTEE.

Resolved, That this House will immediately resolve itself into the Committee of Supply.—(Mr. Chancellor of the Exchequer.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—FIRST CLASS RESERVES.

RESOLUTION.

MR. J. HOLMS, in rising to move the following Resolution:—

"That, having regard to the fact that men of the First Class Army Reserve, when called out last autumn, appeared in a larger proportion than any other branch of Her Majesty's Forces, this House is of opinion that it would be expedient to allow at least five thousand men now in barracks, who are over thirty years of age and have had ten years service, to retire into that reserve,"

said, he was sorry that so long a period as three and a-half months had elapsed before an opportunity was afforded to the House of discussing the Army Estimates. He regretted this the more, because, in the first place, the matter could be discussed without anything of Party feeling; and in the second, because he thought the House was bound to inquire now how far the plan of Lord Cardwell had answered, and more especially, seeing the state of affairs in the East, and the existence of a war which might extend over Europe and even to our own shores, to consider what was the state of our military Forces. He gave the Secretary of State for War every credit for the loyalty with which he had endeavoured to carry out the plans of Lord Cardwell in re-organizing the Army; but, as the years of transition from the old to the new system had passed by, it was now both wise and expedient that the public should have

a full and frank diagnosis of the condition of the Army. His object was to state certain facts in order to show that the existing condition of things was unsound, and then to ask some questions of the right hon. Gentleman the Secretary of State for War as to the means to be taken in order to provide a remedy, and to which he hoped the Committee would get satisfactory answers, before any more money was voted. Rumour said that the Government contemplated asking for a vote of £5,000,000, and in about six weeks Parliament would have ceased to be sitting. Under these circumstances the interests of the nation demanded a full and careful investigation of, and an intelligent criticism upon, the condition of our military Forces. At the time of the reforms introduced by Lord Cardwell it was generally agreed that the condition of our military Forces was such that it was essential to the safety of the country that they should be put upon a sound footing; and that the cost of our Army was out of all proportion to the number of men that we could bring together in case of emergency. The remedy that was proposed was that in future, in time of peace, the Army should create and maintain a Reserve of young men who, in time of war, should rejoin the Army, and it was predicted that the country would receive its reward in having a thoroughly efficient Army and a diminishing military expenditure. So far, however, from the expenditure having decreased, it had increased, and was still increasing. Comparing the year 1874 with 1877, he said the Estimates in the former year were £14,485,700, while the Estimates for the present year amounted to £15,443,700; but there were Supplementary Estimates, which had been already voted, amounting to £140,000, making altogether £15,583,700, or an increase upon the year 1874 of £1,098,400. Last year the right hon. Gentleman the Secretary for War proposed to give an increase of pay to the extent of 2*d.* per day to a certain class of men in the Army, and he did so with a view, as he stated, to reduce the enormous amount of desertion which then prevailed. As a matter of fact, this had just worked the other way, and he (Mr. Holms) ventured at the time to express a different view as to the result of the proposal from that taken by the right hon. Gentleman; for

Sir George Campbell

he held that the effect of giving an increase of pay to one class of the men would be to increase desertion among those who would not come within the scope of the proposal. Its financial result was this—that in five years the additional charge would add £200,000 to the Estimates; in 10 years it would add £300,000; in 15 years, £400,000; while in 20 years and every year afterwards it would add £500,000 to the Estimates. Then, again, India this year was called upon to pay £260,000 more for her recruits than she paid last year, not because she was getting more, or a better article for the money; on the contrary, she was getting less, and a worse article. She was, under the existing system, always called upon to pay for our experiments and our failures. Well, he thought he had shown clearly, as he had said, that our military expenditure, both at home and in India, had greatly increased since 1874, and that it was still increasing. And now he would consider how was 1877 as compared with 1871 as regarded actual numbers. The right hon. Gentleman the Secretary for War stated, in introducing the Army Estimates, that our Establishments were full, and he was perfectly right in saying so. But while that was so, the actual number they had now was 4,048 men fewer than they had throughout the year 1871. It was stated in the annual abstract that the average Force throughout that year of non-commissioned officers and men was 183,471, which, with 3,448 of the First Class Army Reserve brought the total up to 186,919. In the beginning of the present year, there were 181,875 non-commissioned officers and men and 6,062 of the First Class Army Reserve, making a total of 187,837. That would at first sight appear to be an increase; but a close examination of the Estimates for each year would show that this year 5,066 men were transferred from the permanent Staff of the Militia to the Regular Army. Thus in comparing the numbers they ought either to add these to 1874, or to subtract them from this year. If this was done, the result would be, as he had stated, to show that we had, at the present time, 4,048 fewer men than in 1871. Again, in 1870 and 1871 we had the enormous force of 64,000 men rated as old pensioners. This year they were asked to vote 68,234 of the same

class, at an expense of £153,000 for them more than they had voted under that head in 1871. The right hon. Gentleman, in introducing the Army Enlistment Bill in 1876, said that his object in doing so was to induce a better class of men to enter the Army—a class which would greatly reduce desertion. Well, it had not had that effect; and, in fact, the condition of our soldiers at that moment was not creditable to the nation. He would compare the amount of military crime with that of civil crime, as between the years 1873 and 1875. They had recently had before them a measure of considerable interest—namely, the Prisons Bill; and in the course of the discussion to which it gave rise facts were stated which showed a satisfactory condition on the part of the people of this country—a moral advancement among its industrial population which was highly satisfactory. They were told, on the authority of the Government, that our prisons were far too numerous, and that it was possible to close at least 50 of them in England and Wales; and that this was due not so much to higher wages or the spread of education, but in no small degree to the prevalence of a kindlier system—a stretching out of the hand towards men to give them self-control and that self-respect, which, as his hon. Friend the Member for Leicester (Mr. P. A. Taylor) had well said, was the foundation of all respect. They had, however, on the other hand, a system of treatment in the Army which they had a right to expect would have prevailed in the 16th or 17th centuries rather than at the present day. What were the facts? The proportion of crime, or what was included under that head, in the Army was infinitely greater than that of the civil community. The number of criminal convictions in the United Kingdom in the year 1870 was 18,400; while in 1875, with a great increase of population, the number had fallen to 15,580. The number of sentences by court-martial in 1870 was 6,900, or, as the Army was small then, the corrected number would be 7,600, while in 1875 the number had increased to 9,000, and that among 93,000 men. If they only had the same proportion as between the numbers of the Army and that of the civil population, they would have only 93 soldiers in prison instead of 2,060.

He visited Millbank the other day, and there, within three-quarters of a mile of that House, he found 550 military prisoners, about 500 of whom, under a more common-sense system, would not be there at all. If there were 62 Bulgarian prisoners confined in a prison, questions would be asked in that House, and there would be a full attendance of hon. Members; but the existence of things at Millbank was regarded as a matter for no comment. The punishments in the Army had by no means decreased. In 1870 there were 1,616, in 1871 there were 1,032, and in 1876 there were 1,682 punishments inflicted. No fewer than 164,000 minor punishments were inflicted upon soldiers in 1875. Those were the years when they were told that the condition of the soldier was improving; but, in his opinion, it was getting steadily worse. The truth was that the condition of the Army was such that no respectable young man would enter it, even if the pay were raised to 10s. a-day, and the conditions of the Service must be altered before they would be able to attract them to join. At the beginning of the Session the hon. and gallant Member for Winchester (Colonel Naghten) asked the Home Secretary, whether he was aware of the great number of criminal offences committed wherever large bodies of troops were stationed, and whether, if those offences were not diminished, it was the intention of the Home Office to send down an increased force of police at the cost of the Government? It used to be said by Sir Robert Peel and Lord Palmerston, when the number of military Forces was objected to, that they acted as police to preserve peace and order; but, in this case, the Government had been invited to send down police to keep the troops in order. They had received Returns as to the state of the Army in 1874 and 1875, and he thought that, as a Member of the House, he ought to be furnished with the fullest information as to its state in 1876. The all-important question connected with the Army, as showing what the hold was they had on the men, was the crime of desertion, and the test of desertion was the number of men branded as deserters by being advertized for by the War Office. In 1871 the number thus advertized for was 6,971, and in 1876, 7,610, as belonging to the Regular Army. The number in the Militia was,

Mr. J. Holmes

in 1871, 6,641, and in 1876, 11,469. Last year was the crowning year of desertion; for, while in 1871, 13,600 were regarded—and justly—as an enormous number of deserters, the aggregate number who deserted from the Army and the Militia was about 19,000. In a single month of last year—namely, October—the desertions were from the Army, 854, and from the Militia, 1,600, making a total of 2,454. The War Office was in despair, and these desertions were causing such deficiencies in the ranks that something desperate had to be done; the physical standard had to be lowered, and they were taking young men or old, long men or short. He warned the House not to be carried away with any idea whatever that the Army was improving—it was doing nothing of the kind; it was steadily sinking and subsiding from every point of view. During the quarter ending in March the deserters advertised for were—last year, 1,750, and this year, 2,020. As to crime in the Army, if it were regarded as a blot in 1871, it was greater and darker in 1877. The expense of dealing with these criminal offences was not inconsiderable. The sickness and mortality which were also regarded as too great in 1870 or 1871 had increased, but the increase was so small that he would say it was infinitesimal. He would next ask the House to look at a more serious question. The cardinal principle which was laid down in 1871 of having an annual Reserve of trained men had not been at all successful. All the discussions of that time centred upon the Reserve, and the Preamble of the Army Enlistment Bill recognized the same principle, while all the speakers in the debate insisted upon it, that it was essential to have sufficient time in order to create a Reserve. Captain Vivian, on the faith of actuarial calculations, was glad to be able to tell the British taxpayer what he might expect, and he told us, to a man and to a day, how we were to get these Reserve Forces. In seven years ending on the 12th of August this year we were to have 61,266 men; next year, 81,811; and in 1883, the 13th and final year of the scheme, 178,964, who were to be under the age of 31. These were actuarial calculations of what was necessary for the safety of the country; and our position was worse now than when they were made. The House would observe the exactness of

these numbers and would remember that those men were to be under the age of 31 years. He would like to know how many of those 61,000 men would turn out on the 12th of August of this year? He had endeavoured every year to show that these anticipations could not be realized at the rate at which we were obtaining recruits; and he was told—"Only wait until 1877, when our plans will be matured, and then we will discuss it." Well, then, let them discuss the question that evening. Last year, the Secretary of State for War said the Reserve was not large, but he expected that this year it would be numbered by as many thousands as there were hundreds last year; and on that account he said last year it would be contrary to common sense to adopt the revolutionary system advocated by the hon. Member for Hackney, as it would throw everything into confusion just at the moment the new system was coming into operation. Was the right hon. Gentleman satisfied with the new system now that it was in operation? He might have had the wrong figures handed to him at the War Office; but it was astonishing he should have adhered to them.

MR. GATHORNE HARDY: I never said anything of the kind; if the hon. Member will look to what I have said, he will find I never anticipated more than about 7,000 or 8,000 men this year.

MR. J. HOLMS said, he would not attribute to the right hon. Gentleman anything he could not find in *Hansard*. On the 1st of January this year, there were 6,062 men in the First Class Reserve, and in 1871, there were 7,022, so that in six years, in place of an increase in the Reserve for which we had paid millions, there was a decrease of 960 men. The right hon. Gentleman said he could not depend upon more than 3,000 men being added this year, and His Royal Highness the Commander-in-Chief, in his evidence before the Militia Committee (Question 7,843), said it was not probable the Reserve Force would reach 21,000 in the course of the next four years. Would the House be justified, if it recognized this condition of things without a protest? If a Birmingham manufacturer had undertaken to deliver 61,266 rifles by the 12th of August, 1877, and when the time came he had only 9,000 ready, but pointed to the capacity of his establishment and his

stock of raw material, he would not be trusted in future; and the complaint against the War Office was, that it pointed to the raw material, instead of producing the manufactured article which had been promised and paid for. If the promise had been kept and we had 60,000 men living at their homes, the result might have been fewer men living in barracks by 30,000 or 40,000, and a reduction of the Estimates by £1,000,000 or £2,000,000. This was the central question, to which we were bound to look. Of the 3,889 men called out last year, only 1½ per cent failed to appear, and high eulogiums were passed upon their appearance by the Secretary for War, while none of them got into difficulties. That showed they were the sort of men they wanted, that they constituted the best and cheapest Force, and that the safety of the nation did not depend upon the number of men in barracks, but upon the number of trained men in the country. This was the direction in which we must look if we were to get rid of crime and desertion. If the safety of the nation was dependent upon the prospective Reserve in 1871, it was still more dependent upon it in 1877. The Secretary for War had made no sign for three years, and he could scarcely expect the House now to refrain from expressing an opinion. The result of all the endeavours to form a Reserve was, that it did not exist. He must now come to the quantity and quality of the raw material. And with regard to that, our condition was worse than it was in 1871; it was worse also in comparison with the other Armies of Europe, which had been improving, while ours had been retrograding. If the Government could not get recruits, they ought to take the House into their counsel. Superficial observers went to Aldershot and saw a handful of battalions, containing, as they were told, a number of recruits, and they were satisfied with the condition of the British Army; but they overlooked the fact that what they saw was but a handful, and forgot that the difficulty was what they did not see—those who were discharged as incorrigible, those who were playing hide and seek, and the raw recruits who were being manufactured into soldiers. In dealing with the quantity and the quality of the raw material from which our soldiers were manufactured, he would refer to the statement

made on the part of the Government on the 9th of March, 1871, that the number of recruits which would be necessary annually to enable us to maintain our Army and the Reserve upon a proper footing was 32,449. But, looking at the number of recruits enlisted during the five years commencing in 1871, he found that instead of our having obtained 163,400 recruits in that period, as we ought to have done had the Government programme been carried out, we had only enlisted 97,600, being 65,800 short of the proper number Parliament and the nation had been led to expect. Yet, in view of these facts, we were told year after year that recruiting was in an excellent state, and that we were getting all the men we wanted. He denied the accuracy of that statement altogether. Instead of obtaining 32,500 recruits in 1876, we only enlisted 29,370, leaving us, in round numbers, 3,000 short. In our modern system, with respect to quality, it was absolutely necessary that a certain age in regard to recruits should be closely observed. The recruit was the raw material out of which the soldier was made; and all Europe was agreed that the life of a soldier—the fighting period of his career—only lasted 12 years—namely, from 20 to 32 years of age. The limit of age for enlistment had been fixed by the War Office Memorandum of 1873, at from 18 to 25, that for passing into the Reserve being fixed at 31. For two years that limit had been strictly adhered to, and no recruits were enlisted in the Infantry regiments above the age of 21, the average age of recruits up to April, 1875, being from 19 to 20. He would now proceed to lay before the House figures which would show them to what a pass recruiting had come. The War Office were now taking men as recruits who were 30 years of age—that was to say, within one year of the age which was the limit for their being passed into the Reserve. During the first five months of 1876 we obtained only 8,754 recruits; and in the five months following, when the limit of age was set aside, we obtained 10,000. Then the War Office lowered the standard from 5ft. 5in., at which it had remained since 1871, to 5ft. 4½in., and the result of both changes was to give us 29,370 recruits for the year. The consequence was, that recruits were taken at an age which rendered them practically useless

for continued service; and he did not hesitate to say that there were 5,000, 6,000, or 8,000 of the numbers for the year who ought never to have been taken at all, and would never have been taken in any previous year. In January of the present year, the number of recruits obtained was 4,046; in February, the Order respecting the limit of age was again enforced, and the number fell at once to 2,600, and in March, to 1,712, showing that the number had steadily fallen month by month. In the meantime the recruiting sergeants for the Militia were all over the country, and enlisted 38,000 men for that Force in the year from among the agricultural labourers between 19 and 23 years of age, just the very men that were wanted for the Army. Ours was a military nation, and there would be no difficulty about obtaining proper recruits if the matter was properly gone about. Passing to another point, he would ask what was the condition of our Army organization at the present time? He regretted to say that, in his opinion, its condition was very unsound. Not one of the Army Corps in the country was complete. In not one case had the General who was to be at the head of the Corps, and who was to be responsible for everything, been appointed. A military man, whose opinion he had asked as to the condition of the Commissariat and Transport Service, which it would be remembered had so completely broken down in the Crimean War, had assured him that very few men, even among those connected with that department, knew much about it, so great was the muddle and confusion which prevailed. The facts he had stated, drawn from official sources, showed, he submitted, that the condition of the Army was worse at present than it had been in 1871, and, in particular, that the Reserve had utterly and signally failed. He had shown that during the last three years the expenditure had increased by over £1,000,000; that the number of men in the Regular Army and First Class Reserve was 4,048 fewer than in 1871; that the number of old pensioners—not fighting men—had increased by 4,016; that the number of men constantly in prison had increased in four years by 400; that the number of Army and Militia deserters advertized for had increased since 1871 by 5,471; and that,

beyond doubt, thousands of recruits had during the past year been taken who would certainly up to 1876 have been rejected. It was, therefore, impossible for the War Office to declare that that which was black in 1871, and blacker in 1877, could be, as it was sometimes called, rose-colour. He hoped that the House would not vote one penny of the £11,000,000 that remained to be voted for the Army until the Secretary of State for War had clearly stated his opinion on the state of our Forces. He asked the Government whether they were satisfied with our present position with regard to the Army; secondly, did they intend to maintain and encourage the system inaugurated by their Predecessors of forming a Reserve of trained men under 31 years of age, or not; thirdly, if so, how and when they proposed to bring up the number of such Reserves; and, fourthly, if not, what was to be their military policy? His Motion would go in the right direction. The right hon. Gentleman the Secretary of State for War had said, on the 5th March, that—

"The Committee will be pleased to hear that recruits are coming into the Army in such numbers as, I believe, will enable us to fill up our Reserves more expeditiously."—[3 *Hansard*, cccxxii. 1408.]

If the Motion were carried the number would be but 14,000, which was within the limit of the Vote proposed. He hailed with satisfaction the Amendment that had been placed on the Paper to his Motion, to pass into the Reserve as many men who had served more than three, and less than six years, as could be conveniently spared from their regiments, in order to carry out the original intention of the Army Enlistment Act of 1870, if over 30 years of age. No doubt, the British Army had done great deeds, and won imperishable victories; but they were bound to remember that it was their duty to take care that they maintained their Army in future as their forefathers maintained it in the past. The destinies of the country were in their hands, and it was not only their duty to maintain the Army for the safety of the country, but to maintain it with a due regard to the social advancement that had been made by all classes, as a means of improving rather than of deteriorating their population. He would conclude by moving the Resolution of

which he had given Notice, which he regarded as extremely moderate and practicable, inasmuch as he only asked the House to assent to what would be the beginning of a sound system.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the fact that men of the First Class Army Reserve, when called out last autumn, appeared in a larger proportion than any other branch of Her Majesty's forces, this House is of opinion that it would be expedient to allow at least five thousand men now in barracks, who are over thirty years of age and have had ten years' service, to retire into that reserve,"—(*Mr. John Holms*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL ALEXANDER said, he was surprised that after the excellent speech which the hon. Gentleman the Member for Hackney (*Mr. Holms*) had just made, he had concluded with so feeble a Motion. He could scarcely believe the hon. Gentleman to be serious in making that Motion, than which nothing more impotent could be conceived. The Motion, was, in fact, only a peg on which to hang the speech; but there was another Motion which the hon. Gentleman had been twice prevented from bringing before the House, which would have been a better peg for the purpose; because that Motion challenged the soundness of the whole military policy of the late, as well as the present, Secretary of State for War. That Motion raised a distinct issue as to the expediency of remodeling our Army on a new basis. That Motion would have been perfectly intelligible; but the object of the present Motion he (*Colonel Alexander*) confessed he was totally at a loss to understand. He would refer to a few practical difficulties which were, in his opinion, inseparable from the hon. Gentleman's proposal. The hon. Gentleman now proposed that the Secretary of State for War should transfer into the First Class Army Reserve a number of men not exceeding 5,000, who had completed a service of not more than 10 years with the colours. If these men were to be forced into the Reserve, it would be a monstrous injustice. On the other hand, if they were not to be forced into the Reserve, the hon. Gentleman would find

it very difficult to persuade them to sacrifice themselves in order to gratify his fancy. Previous to 1847, enlistment was nominally for life, but practically for 21 years; and there were now in the Army men who had enlisted for life. He knew a man in his own battalion who had enlisted in 1844, and had now completed 33 years' service, and this man had a son serving in the same battalion who had nearly completed 11 years' service. In 1847 the Limited Enlistment Act was passed, under the provisions of which men were enlisted to serve for 10 years, with the option, if approved of by the commanding officers, of re-enlisting for another term of 11 years, in order to complete 21 years' service with the colours. That Act remained in force until the passing of the Short Service Act in 1870. The effect therefore of the hon. Gentleman's proposal would be to transfer into the First Class Army Reserve all men enlisted between the years 1857 and 1867. As he had said, it would be monstrously unjust to force into the Reserve those men who after 10 years' service had elected to serve 11 years longer under the colours. The hon. Gentleman might, perhaps, say that the men would volunteer for the Reserve; but he would certainly be disappointed in that expectation. His (Colonel Alexander's) own experience had satisfied him that they would not do so. After the First Class Army Reserve was initiated, it remained for several years at a merely nominal figure. It was supposed to consist of men who had completed 10 years' service with the colours, and officers were bound to ask their men at the expiration of that period whether they would enlist in the Reserve Force. The reply was almost invariably "No!" *A fortiori*, men who had enlisted for a further term of 11 years would not be persuaded to join the Reserve. Moreover, if men of this class could be obtained they would never amalgamate with the remainder of the Reserve, for they would be double their age. In his book the hon. Gentleman proposed three years' service with the colours and four with the Reserve, and that at the end of that time every man should pass into civil life. But now the hon. Gentleman proposed to pass into the Reserves men who had seen nearly double that amount of service. Again, the hon. Gentleman had spoken

Colonel Alexander

about raw recruits, and he was always lamenting the youth of the Army; but his present proposal would tend to make the Army still younger, and deprive it of the only element which steadied and livened the great mass of youths of whom the Army was composed. The great value of these men was shown by the fact that even now 25 per cent of the recruits for the Line were allowed to be taken for long or 12 years' service. In his (Colonel Alexander's) opinion the only way to obtain a Reserve was by enlisting men, as we were now doing, for six years' service with the colours and six for the Reserve. Men enlisted for service with the colours only would never take kindly to the Reserve. The hon. Gentleman was impatient at the slow progress which the Reserve was making; but it should be remembered that Prussia, to which he referred by way of contrast, had been re-organizing its Army for 50 years. He thought, therefore, we should not be downhearted, because we had not succeeded in filling up our Reserves in six years. It was yet too soon to talk of the deficiency in the Reserves. As he felt quite sure that the element which the hon. Gentleman proposed to infuse into the Reserve would by no means strengthen it, and as the proposal would create the maximum of inconvenience to the Army, with no appreciable advantage to the Reserve, he hoped the House would decline to entertain it.

GENERAL SHUTE considered that a great deal of time was being wasted over a question which was not a very practical one. The hon. Member for Hackney (Mr. Holms) seemed to think that the Army was good for nothing, because of the number of boys it contained. Yet he now proposed to take away the few old soldiers and put them into this, as he appeared to think it, phantom Reserve. We insisted on a purely voluntary enlistment on short service, and we were trying to form a Reserve. Under those circumstances, the only way of getting men of sufficient age was by inducing men in considerable numbers to join the Army from the Militia, and that could only be done by doing what he thought the country would never consent to—namely, balloting for the Militia and keeping it up to its full strength. He hoped shortly to see a revision of the Ballot

which he could not but admit in its present form was very objectionable. He would remind the House that in France and Germany no one was allowed to enter the Army until he was 20 years of age; but boys of 15 and 16, nominally 18 and 19 were taken in this country. The fact was, that before 20 every Englishman who was worth his salt had learned a trade, and would not enlist in the Army. To-morrow there would be a large parade at Aldershot of all the troops employed in the Manœuvres. A leading journal said it was a splendid Army, and no doubt the writer of that article was well acquainted with military affairs. He (General Shute) had, however, received a letter from a field officer, who stated that a commanding officer at Aldershot told him he had in his regiment 700 men under one year's service; colour-sergeants of two and three years' service; 300 or 400 recruits at drill, with no men fit to instruct them. The records and office work were frightful, and the regiment was now only a drilling establishment. Deserters went away in squads. Such was the result of short service, for which the present Secretary for War was not responsible. Everyone knew that we had sacrificed a great deal for the Reserve. It was to be hoped that the Reserve was not altogether a myth, and they had had a proof last year that it was not so much of a myth as he and other hon. Members had imagined. He wished that, at all events, some inducement could be found to induce men and not boys to enlist, and that good recruits were more numerous; but all these details had much better be left to the Secretary for War instead of being discussed in the House.

SIR HENRY HAVELOCK said, that what struck him most in the speech of the hon. Member for Hackney (Mr. J. Holms) was the conclusion, in which he had said a word or two on the Motion itself. He had said a good deal on the subject of prisons and prison labour, but nothing as to the means by which practical effect could be given to his proposition. It seemed to him (Sir Henry Havelock) that the hon. Member's object would be better accomplished by leaving out of his Motion all the words after "expedient," and by inserting these words—

"To pass into the Reserve as many men who have served more than three and less than six

years, as can be conveniently spared from their regiments, in order to carry out the original intention of the Army Enlistment Act of 1870."

That was an Amendment of which he (Sir Henry Havelock) had himself given Notice, but which the Rules of the House prevented him from moving. The hon. Member appeared to have changed his views, and was evidently on the horns of a dilemma, for he now agreed that the young soldiers should be passed into the Reserve. He had further said in his book that "real short service had never been tried. That he (Sir Henry Havelock) granted at once; but he could not think it right to pass old soldiers into the Reserve, or to send home men who had received 13 or 14 years' continuous training while the younger men were kept in barracks. [Mr. HOLMS explained that he had not proposed to do so.] The question, however, came to this—Which of the two could best be spared? The young or the old soldier, or did the hon. Member intend them both to pass into the Reserve, in which case there would be no Army? He would venture to criticize one or two of the hon. Member's figures, and would remark that he had certainly not stated the whole case. The British Army, for instance, could not be said to be in a worse state now than in 1871, merely on the strength of the fact that at that time there were 183,000 men in the ranks, and only 3,448 in the Reserve, whereas both these branches were now diminished by about 2,000 men each. Nor was it true that we were now in a worse financial position, because the amount charged for pensions had increased by about £150,000. Surely the hon. Member did not suppose that any one had expected, by initiating in 1870 the formation of a Reserve, that the pension list would be wiped out by 1876? The pensions would necessarily require an increasing sum of money for several years to come. Again, it had been said that in 1874, 1,101 bad characters had been discharged, and that this number had been much larger in 1876—a statement which only meant that the Army machinery had been greatly improved. A "bad character" was simply a man who pursued a trade which the false sentiment of the House itself had done much to foster—namely, that of enlisting from time to time, and who had been at last detected. He was glad to have

an opportunity of exposing the delusion which still clung to the word "branded." The hon. Member had spoken of 19,000 such men who had been branded, and had spoken as if it had been done as in former times, when it was done with a hot iron; but such was not the case, for after all, it only came to this—that they were marked "B C" by the perfectly harmless and painless operation of tattooing. As a result, it most certainly had the effect of preventing men enlisting over again. As for the number of these men, it had indeed slightly increased; but the 19,000 deserters of whom the hon. Member spoke represented the accumulation of many years. There was one point on which he was able to agree with the hon. Member, a point which deserved the serious attention of the Secretary for War—namely, that it was matter for regret that the Reserve which both sides of the House had long been endeavouring to form, had not assumed greater proportions. It seemed to be stationary, just as if right hon. Gentlemen had been rolling a stone up a hill, and it was constantly coming back on them. A remedy was required, and the Amendment which stood on the Paper in his name pointed to a remedy; and he hoped a fair trial would be given to it. The fact was, the proportion of exceedingly young men in the Army was so great, that the object of the Act of 1870 could not be accomplished. Lord Cardwell said that in 1883, or 12 years after the Reserve system was begun, he hoped, if his intention was carried into effect, we should have in the Reserve between 60,000 and 70,000 men. In that matter he feared the right hon. Gentleman opposite was not exercising the full powers given him by law, and that he was not resisting as he ought the military pressure put upon him. The Army we had now was one of the youngest Armies in Europe, the great difficulty of commanding officers being to maintain discipline and give anything like formation to those young soldiers. In the Aldershot Division at present the proportion was 35 per cent of men under 15 months' service; he believed he would be right in putting it at 12 months. About a fortnight ago His Royal Highness reviewed some 7,000 men, of whom no fewer than 5,000 were under one year's service. What would

be the effect if, out of these regiments you were to take the men of 12 years' service? There would be nothing left to work upon. If the right hon. Gentleman would insist that the men who, after three or four years' service, desired it, should pass into the Reserve, we should soon have a considerable Force. But if we aimed at turning old soldiers into Reserves, we should never have a Reserve Force. One of the most difficult problems we had to solve was how to combine short service with the demands of India, and the sooner the right hon. Gentleman brought that question to an issue, the sooner the country would get something for its money. If the right hon. Gentleman would suggest to the Indian Government that the average service in India should be six years, and not for an indefinite time, he would do better for the Indian Government itself as well as for the Reserves. The hon. Gentleman the Member for Hackney had stated that we were no better off now than we were in 1874. But, in 1874, we had not anything like the Reserve we had at present, which, taking the Militia and Army Reserves together, amounted to some 38,000 men. The real economy would be found in passing men after three or four years' service into the Reserve, and then we should have in them a Force disposable for service in India as well as at home. If the events which occurred in India 20 years ago were to happen now, the 38,000 men we had in the Reserve would be quite available for India at six weeks' notice. There was another point to which he wished to refer, and that was the great objection which young soldiers, as well as old, entertained that their pay was not sufficient to keep them from a state of starvation. Many of the men who passed to the Reserve did not like to go back to their old regiment, and would rather go to another, because they considered their chances better, and he would therefore suggest that it should be made punishable for a man to re-enlist without declaring that he had served before; and if he made the declaration, that he should be allowed to serve in any regiment he liked. He shared in the opinion which had been expressed by his hon. Friend the Member for Hackney that the Reserve ought to become a reality. The Commander-in-Chief had

Sir Henry Havelock

stated, in his examination before the Committee, that he hoped before the end of four years there would be a Reserve of 21,000. He (Sir Henry Havelock) hoped that would be the case; but was of opinion that unless more active measures were taken, the Reserve would not reach that number.

MR. GATHORNE HARDY said, that the hon. and gallant Member who had just sat down (Sir Henry Havelock) had connected the Indian with the English Service; but he would not enter into that subject, because it was not connected with the points which had been discussed by the hon. Member for Hackney (Mr. J. Holms). He would, however, assure the hon. and gallant Gentleman that he was quite alive to the importance of the subject, and that it was an object at which the War Office was aiming in common with the India Office, and he trusted they were advancing towards the point which the hon. and gallant Gentleman wished to see reached. With reference to the speech of the hon. Member for Hackney, he could not help thinking that it would have been much more appropriate if that hon. Member, instead of concluding as he had done with an impotent Motion, had moved for the impeachment of the late and present Secretary for War, and the complete reversal of our whole military system. The hon. Member had presented a very sad and dreadful view of the British Army—it was composed of the halt and blind, its physical quality had been altogether deteriorated, and it had more sickness and mortality prevailing now than at any former period. The hon. Member, in illustration, had used figures taken from sources which had been refuted over and over again; although he had documents quite at hand which were completely reliable, he went to the police and to *The Hus and Cry* for information as to the amount of desertions; but that afforded no test as to the true state of the case. There was a document on the Table which gave the official details of desertions, but he did not choose to refer to its details. In 1874, there were 5,582 desertions, but of that number 2,052 returned to the Army, and the total loss was 3,530. In 1875, there were 4,373 desertions, or more than 1,000 less; but 1,944 of those men rejoined the Army, and the net loss was 2,429; and in the year 1876,

when there was an increased Force and a greater number of recruits than there ever was before in the history of the Army, the desertions were 4,878, as against 5,582 in 1876; but of those men 2,063 rejoined the Army, so that the actual net loss was 2,815. Now, when the hon. Member had that document in his hand, was it just or fair to go to *The Hus and Cry*, when the official figures showed that there had been a steady decrease from the year which he took as his normal year? [Mr. J. Holms: I took the year 1871, not 1874, as the normal year.] Certainly the hon. Member took 1874 as the normal year, for he said it would relieve him from all Party considerations, as that was the year when the present Government came into office. He (Mr. Hardy) had not the Returns before him for 1871, but he had for 1872; and in that year the net loss to the Army from desertions was 4,006, therefore it appeared that the further the hon. Member went into his figures the further he went from that position which in all fairness he ought to have placed before the House. With respect to 1871, again he had imposed on the House. In 1871 a Vote was taken by his Predecessor for 20,000 additional men. There were not now so many men in the Army by something like 6,000 men, and the hon. Gentleman was bound to inform the House of the particular circumstances which had occurred in 1870, yet he said not one word about the number of recruits in 1871. Then the hon. Member went into the question of pensions; but he had not adverted to the notorious fact that a great number of 21 years' men who had been enlisted for the Crimean War were just taking their pensions last year. The hon. Member made no allusion to the special circumstances that had occurred, and offered no explanation of the increase of pensions on that account. It was not fair that the House should be so misled. As to crime, the hon. Member had thought it proper to blacken the Army as steeped in crime out of all proportion to the civil population; but the hon. Member had not stated that there were offences in the Army which were peculiar to it, such as insubordination and offences to superior officers—offences which were not known in civil society. Now, though he was sorry to say that there was more crime in the

Army than could be wished for, yet these men made capital soldiers in active service, and were as ready to do their duty to their country as others; and he did not think it was wise to make it appear that all the worst characters entered the Army; rather it should be shown to men that there was as good an opportunity of doing as well in the Army as in other positions of life. The hon. Member would prefer men who should be paid 10*s.* a-day; but he must say he did not believe in getting such men by a system of voluntary enlistment. The worst enemies of the Service were those who, like the hon. Member for Hackney, spoke as if men lost their character by entering the Army, and that there was no opportunity of getting on in the Service. He (Mr. Hardy) believed there never was a time when men received better treatment in the Army, or when officers paid more attention to the comfort, character, and condition of the men, or were more anxious that they should succeed. There was the greatest demand for good soldiers as non-commissioned officers. And with reference to crime he would remind the hon. Member for Hackney that Lord Shaftesbury two years ago when the Autumn Manœuvres took place in his neighbourhood, went to see them, and described their conduct as excellent. No offences were committed by them, and it could hardly be known that there was such a body of men in the district. Last year, again, when two Army Corps were mustered, no crimes were committed by those men. The neighbourhood was undisturbed; they were occupied in their military duties, and when released from them their conduct was exemplary; there was no marauding; the neighbourhood was absolutely surprised at the quietness, decorum, and order that prevailed. He had never stated, as the hon. Member seemed to imply, that the 2*d.* a-day of deferred pay would cure desertion; what he stated was that when a man had a considerable sum saved, he was less likely to desert, and he said so still. At any rate it could not affect the present state of things as it could hardly yet be said to be in operation. It was not on that account therefore that desertions were now so low. Desertion in 1876 was extremely low; nevertheless 30,000 men were recruited, and principally from

Mr. Gathorne Hardy

a class which did not deserve the severe reprobation the hon. Member for Hackney had applied to them. With reference to lowering the standard, he believed very few had been enlisted over 30, or below the standard. The hon. and gallant Member for Brighton (General Shute) spoke of "young soldiers;" but he (Mr. Hardy) did not believe they would ever get anything but young soldiers in England. The hon. Member for Hackney asked if he (Mr. Hardy) was satisfied with the present system. He was satisfied with nothing so long as improvement could be made. But he believed, if they were to have Reserves, if they were to raise their Army to a point at which they might be satisfied, there was only one way to it—he meant by short service. On the other hand, he never would advocate the using up of all their best men, and then falling back on untried men. The hon. and gallant Baronet opposite (Sir Henry Havelock) spoke of what they should do to prevent desertion. It was pleasant to be praised by one so well able to judge of military matters, but that was exactly what he (Mr. Hardy) was doing. Early in the present year, finding the recruits coming in so numerously, he had directed letters to be written to all the regiments in which there were more than the proper number, directing the officers to offer to place those who had served three years in the Reserve, with the understanding that such men should be well conducted and have the means of gaining their own living. That was a most important thing, as nothing could be worse than to turn out men after three years' service who had nothing to fall back upon for a living. The Reserve pay was not a living, and unless a man had other means of gaining a livelihood you would do him harm rather than good, only tempt him to enlist again, and, in fact, to do much worse. Under that Circular 1,100 men, 746 of whom had fulfilled their first service, had been passed into the Reserve, which on the 1st of April numbered 7,310. He had always said that the formation of a Reserve would be a slow process, but this year he believed they would get from 5,000 to 6,000 men. That brought him to another point to which the hon. Member for Hackney had adverted. The hon. Member had again used the figures of Captain Vivian in that House, which

certainly did not apply to the present system. Lord Cardwell, who instituted the present system, never dreamt of putting before the House such figures as those to which the hon. Member alluded. Nor had he (Mr. Hardy) himself ever pretended that they could get up to tens of thousands by this time. He had always said it would be a slow process. Last year the Reserves were coming in very slowly, but he said he thought they would come in in thousands this year, and he was justified in that remark, because the probability was that, as he had stated, they would have between 5,000 and 6,000. But he spoke with diffidence, because he knew that there were many circumstances which might interfere. There were the re-engagements in India, sickness, and many other possibilities. If soldiers were like chessmen, and could be moved at will into the Reserves, the case would be different; but there were circumstances in men's lives which would at times disappoint all calculations. He had always sought to avoid misleading the House by exaggerated expectations in regard to the Reserve, and Lord Cardwell had stated that the utmost they could obtain under that system would be 84,000 men. Then the hon. Member for Hackney, having disparaged the Reserve by comparing it with what he supposed it would be, but what it was never intended to be, went on to the Militia recruiting, and complained that they had got 38,000 men for the Militia last year. No commanding officer of Militia would echo that complaint. The men in these days knew perfectly well what they were enlisting for, whether it was for long or for short service, whether it was for any particular arm of the Service, and certainly whether it was for the Militia or for the Line. The fact was that those who enlisted for the Militia were a different class from those who enlisted for the Line, and although the Militia was an admirable school for the Line, it did not at all disturb enlistment for the Army. Those who went into the Militia knew it was a different service altogether, but it gave many of them a taste for soldiering; they found it more agreeable than they expected, and they passed into the Line. He could not, however, say that the Militia was to be relied upon as an auxiliary to the Reserve. Next, the hon. Member attacked the Commissariat. Up

to that point he had been very diligent with his figures; but when he came to the Commissariat he described it as a combination of meddle and muddle, on no higher authority than a letter which he quoted from some one who knew nothing about it, and who wrote for information to someone who knew less, and he added that people in that department were so dissatisfied that they really could not tell him anything about it, and that, therefore, it was in a bad state, and could never come to any good. Now, he (Mr. Hardy) was far from saying himself that the Commissariat did not require improvement. He had made changes in regard to the Control department; he did not despair, if he was let alone, of yet making a better business of the Commissariat; and he hoped the hon. Member for Hackney would quote a correspondent next year who knew something about it, and who found it not nearly so bad as he had supposed it to be, and that, on the whole, the country got all that it could reasonably expect. He agreed with the hon. Member on the unhappy condition of things resulting from getting volunteers from regiments low down in the roster to fill up those which were at the top. Last year the House, with great wisdom, filled up the first 18 regiments to 820 men. But they must see that in the first year those regiments must be full of recruits. It would not be wise or just to send on service regiments which had many recruits in them; and, therefore, it would be necessary to get men from regiments which were lower on the roster. The men could be easily obtained by means of a bounty; and he trusted that those regiments would be better filled up as time went on, and that there would be men in them who had served longer. But in the case of regiments that had many young men it would be advisable to leave those young men with the depôts at home, and fill up their places with older men. With respect to Army Reserve men and Militia Reserve men, he should be disposed to keep them for a second re-inforcement rather than put them immediately into the first line. But that was a point which would have to be considered hereafter. It had been found necessary to divide recruiting for the Army into long and short service, and it was said that there would be no taste in the country

for short service; but the fact had turned out exactly the reverse, because the proportion who enlisted for short service was much greater than that which enlisted for long service. He was sorry, to some extent, for that; because, with a view to those who remained, it was important to have a certain number of long-service men for the position of non-commissioned officers, and this disposition towards short service had interfered with the supply. Still, would it, he asked, be wise, under the difficulties in which they found themselves, to rush suddenly to another extreme, because, as had been pointed out, the hon. Member for Hackney had changed his front this year? They used to hear of men with one year's service; but if they had such a system as that, in what state would their regiments be, and how fit would they be for service? But, again, would it be desirable wholly to rely on three years' service? If the three years' service men had the means of supporting themselves in civil life, that might be desirable; but to cut down the six years to three years would be a most objectionable system. The new view of the hon. Member in regard to the Reserve was an extraordinary one. If they took those 10 years' men, as the hon. Member suggested, in three years they would be free from the Reserve, because 12 years was the outside period for which the hon. Member thought a man ought to be called upon to serve. The hon. Gentleman asked when and how they would form a Reserve? There was but one way, and that was the method they were adopting. He admitted it was a slower method than he could desire; but it was the only one—namely, by passing the men through the ranks of the Army. They must take those who wished to stay till the end of six years. As it stood, they would get some 12 years' men, and as three years' training in the Army was a very sufficient training, their nine years' men would prove effective. He did not despise the Militia Reserve, which he believed was one to which the country might look with very considerable confidence. He did not say it would be wise to place it at once into the front ranks; but after a few weeks' training it could be made fit to be put side by side with the soldiers of the Line. If that was so, they had practically at that moment a Reserve of

35,000 men available, and that was more than people looked forward to five or six years ago. The actual Reserve of men who had passed through the Army was this year beginning really to increase. If they got their 5,000 or 6,000 men this year—and it was really the first year in which the system had had a fair trial—they might calculate that they had fairly begun; that it would go on, and yield them 5,000 or 6,000 annually. Though slow, it was safe; every man would be well trained, and fit to take his position beside the soldiers of the Line in any ranks or places to which they wished to send them. Had not this country gone through a very long military probation? It had not a vast force of Regular troops in its Service always ready to take the field; but it had trained a great number of men who, although they had not gone through the ranks, would be available for the service of the country at any moment. Moreover, it was to be borne in mind that in their Second Reserve they had some 24,000 who, though they might not be fit for active service in the field, yet would be quite available for garrison duty, and would prove a great stay to our Volunteers, who would also, he believed, do good service. He could not hesitate to express the opinion that, in addition to the 170,000 or 180,000 men we would have at our disposal, there would be 500,000 or 600,000 who, having passed through the Volunteer Service, would be able to render effective aid, if the country were put on its defence. He also expected that we should find young men to send abroad, for the military spirit which had been invoked by the Volunteers had produced such an effect that, so far from there being a difficulty in getting men to send abroad, his belief was that a greater number in proportion to the population would be ready to rush to the front than on any former occasion. He might be wrong, but that was his opinion, taking into account the military spirit which had been called forth in the country within the last 20 years. He must apologize to the House for having trespassed upon its time so long, and for the minuteness with which he had gone into the question. But he wished to part with all good will from the hon. Member for Hackney, of whom he had said some hard things, but who also had used some strong expressions with regard to him, which certainly

Mr. Gathorne Hardy

were not undeserved if he had been guilty of all that had been laid to his charge. But, be they little or much deserved, he could assure the hon. Gentleman he would forgive him for all that had fallen from him in the course of his speech.

MR. CAMPBELL - BANNERMAN said, he was anxious that the House should get into Committee, and he would not, therefore, occupy much time. While generally concurring in the main object which the hon. Member for Hackney (Mr. Holms) had in view, he must express his dissent from many of the assertions which he had made. His hon. Friend had said that the promises which had been held out at the time the Short Service Act was passed had not been fulfilled, and had called up the ghost of Captain Vivian's figures, which had been laid again and again, in support of the statement. Now, he (Mr. Campbell-Bannerman) was anxious, not only for the sake of Captain Vivian, but of the Government with which he was connected, to explain in what circumstances those figures had been quoted. His hon. Friend stated that the House of Commons was asked in 1870 to pass the Short Service Act, and that Captain Vivian had promised that in eight years after the institution of the system the Reserve would reach 81,811. These figures, however, had not been quoted as one of the conditions of the passing of the Bill, and, indeed, were not quoted until 1871, when the scheme of Army reform which had been propounded by the noble Lord the Member for Haddingtonshire (Lord Elcho), and which had been examined by the actuaries of the War Office, was under consideration, and found to be utterly impracticable. It was then, in contrast with the noble Lord's proposal, that Captain Vivian stated what, under certain circumstances, would be the result of the Short Service Act. But those particular circumstances had never come into existence, and the proportion of short service men, which Captain Vivian's statement pre-supposed, and which he expressly quoted as the basis of his calculations, had never yet been enlisted. And lest it should be thought, after all that had been said by his hon. Friend, that there was now, after all, no Reserve in the country, it might be well to state the fact that in 1870, 2,400 men—in round numbers—

were enlisted for short service; in 1871, 9,000; in 1872, 10,000; in 1873, nearly 10,000; in 1874, nearly 13,000; and in 1875, 13,000; making, in all, up to the close of 1875—the latest year for which we had an official Return—57,693. So that he presumed they must have at that moment at least 70,000 or 80,000 men serving in the Army, all of whom—subject to the usual casualties—would pass into the Reserve. Those were important facts which the hon. Member seemed to have overlooked. No one could deny that the formation of a complete system of Reserves required time; but he (Mr. Campbell-Bannerman) trusted the right hon. Gentleman and his military advisers would strive to accomplish the task as soon as possible.

GENERAL SIR GEORGE BALFOUR said, he stood up in defence of the hon. Member for Hackney (Mr. J. Holms), who deserved great credit for the attention with which he studied the condition of the British Army, and urged the importance of rendering it in all respects an efficient Force. With regard to the Reserve, the hon. Member for Hackney referred to the German system, and indicated how well it worked. No doubt, the German system was based on compulsory, as well as universal liability for some military service, by all the fit youths of the country; but as compulsion was impossible in the present state of feeling in this country, there was no reason why the views of the hon. Member for Hackney in favour of an extension of our short service system should not be favourably considered, and, if deemed suitable for our Army, extended to a far greater extent than hitherto applied. He agreed that if the principle that short service and an effective Reserve growing out of it was the best thing for the Army and for this country, then, to his mind, the number of old soldiers comprised in it was perfectly alarming, assuming the German system and the present short service of this country to be sound in principle. This was the essence of the opinion avowed by the hon. Member for Hackney, and it was a question of the gravest importance, deserving of the fullest investigation. It had never been properly inquired into by either of the Commissioners on recruiting, though it well merited the serious attention of a Select Committee of this House. He therefore cordially

and heartily supported the hon. Member in his earnest endeavour to induce the House of Commons to take up this question of the highest national importance.

Question put.

The House *divided*:—Ayes 207; Noes 46: Majority 161.—(Div. List, No. 192.)

Main Question, "That Mr. Speaker do now leave the Chair," proposed.

ARMY—NUMERICAL TITLES OF LINE REGIMENTS.—OBSERVATIONS.

COLONEL NAGHTEN rose to speak to a Resolution of which he had given Notice, but which he was prevented by the Rules of the House from moving, namely—

"That, in the opinion of this House, it is inexpedient to adopt the recommendations of the Militia Committee as far as regards the discontinuance of numerical titles for regiments."

The hon. and gallant Member appealed to the hon. Member for Hackney (Mr. J. Holms), as he had already spoken for an hour and three-quarters, not to move his Amendment, as it might lead to a long discussion, and the Government was anxious to get some Votes in Supply. He impressed upon the House that anything to lessen *esprit de corps* was to be deprecated, and called attention to what he considered would be most unpopular—for any Government to take away the numbers of such regiments as the 42nd, 79th, and other distinguished regiments, and warned the authorities not to trifle with cherished regimental distinctions. He said that if Lord Cardwell's scheme was carried out in its entirety, such a regiment as the Rifle Brigade which recruited chiefly in the Seven Dials and Tower Hamlets districts, would have to be called the "Seven Dials Regiments," and the officers would have to be selected from those localities. He would conclude by quoting what he said his hon. Friends opposite would agree with him were good Conservative remarks—namely, an answer given before the Committee by His Royal Highness the Commander-in-Chief (No. 8,621, p. 316.)—

"I think that in these things it is better to leave well alone. We have done very well as we are; anything in the way of a change is objectionable. What is the advantage of it? If there is no advantage, leave things alone, I should say."

General Sir George Balfour

MR. STANLEY observed that when the Report of the Military Forces Localization Committee was under discussion there was no manifestation of the feeling against the change to which his hon. and gallant Friend the Member for Winchester (Colonel Naghten) had adverted, but he was bound to admit that it gave rise to considerable discussion in the public Press, and that many regiments protested against being linked with other regiments. When his right hon. Friend came into office as Secretary of State for War he had found the Military Forces Localization Scheme fairly started. Out of the £3,500,000 which, after a prolonged discussion, Parliament had granted, on the strength of Lord Cardwell's scheme, it was found that a sum of £176,000 had been already expended, and that liabilities had been contracted amounting to £1,500,000. A number of Brigade Depôts had also been established, and various contracts had been entered into. The Secretary of State for War, even if he had been so minded, could not have stopped the scheme, but though he could not stop it, he was bound to satisfy himself as to the details which were propounded in it. In July, 1875, a Committee was therefore appointed to inquire into and report upon the working of the Brigade Depôts, and that Committee was subsequently merged in the Militia Committee. As had already been remarked, the double battalion system was one of the points upon which Lord Cardwell laid stress in bringing the localization scheme before Parliament. There were few countries which clung to the single battalion system so long as ourselves. The plural battalion system had previously been adopted with evident advantage by other countries, and it was when the changed conditions of service rendered it necessary to have battalions of low strength at home and of high strength abroad that Lord Cardwell resolved upon the change. It was not usual to appeal to the *personnel* of a Committee; but he could do so with confidence in the present case, and he denied most positively that they were men who were insensible to the importance of preserving the *esprit de corps* of regiments or the advantages of territorial associations. They felt, however, that the double battalion system had become a necessity. The ques-

tion they had to ask themselves was whether we had so many men that we could dispense with the means of making the most of them? Almost everything had to be sacrificed to organization, and grave and serious as were the changes recommended, the Committee felt that they would not be performing their duty if they did not make the recommendations specified in their Report. They thought the connection should be closer between the Line and the Militia regiments, and that a territorial designation should be selected. It was proposed to do away with the sub-district numbers, and to designate the sub-district brigade by the name of its head quarters.

EARL PERCY rose to call attention to the pay and allowances of majors of the Royal Artillery, who had been promised by the late Secretary of State for War (Lord Cardwell) that they should be placed on an equality with majors of the Line, and were still paid only 14s. 6d. a-day instead of 16s. A major in the Line received forage allowance always, but a major in the Royal Artillery received it only when actually performing mounted duty. In one case, of which he had the details, an officer of the Royal Artillery had, in the course of 5 years and 10 months' nine changes from duty in which he received that allowance to duty in which he did not receive it. He trusted that the right hon. Gentleman would be able to hold out some hope that a promise which had been given by a Secretary of State and sanctioned by Parliament should be adhered to in its entirety.

MR. PRICE also rose to call attention to the case of Militia Quartermasters with reference to their retiring allowances. His object was to ask the right hon. Gentleman to take into consideration whether it was not desirable to get rid of the old and worn-out Quartermasters who were still serving, and who could not be expected to retire on the present allowances, and introduce new ones as rapidly as possible, but not on the present scale of pensions, because it would be unfair to those who would have to retire. He would ask the right hon. Gentleman to consider whether he could not offer the older Quartermasters some inducement to retire. They would be content with a very small addition to the existing allowance of 4s. a-day.

COLONEL KINGSCOTE urged the same view, adding that it would be a great advantage to the Service if those officers could retire.

MR. GATHORNE HARDY said, the question of the Quartermasters had been under consideration, and an arrangement had been practically made by which an improvement would be effected with regard to them. The details were not yet settled; but he hoped to be able soon to communicate them to the House. As the pay of Majors of the Royal Artillery had been taken by the House into its own hands, it would not be necessary for him to make any remarks on the subject.

CAPTAIN O'BEIRNE called attention to the injustice of compelling officers to buy and forage, at their own expense, horses they were compelled to keep for the public services.

LORD EUSTACE CECIL believed that in the English Service the pay of Cavalry officers was greater than that given in other countries, and that no good reason had been shown for an increase of allowance for forage or for buying horses. Since the year 1810 the forage had been almost entirely supplied by the Commissariat, and it had always been customary for officers to buy their own horses. He did not believe they had any cause to complain of injustice under the present arrangement.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

£48,600, Divine Service.

CAPTAIN NOLAN urged the hardship of the position of Senior Chaplains, who were obliged to retire at 60 years of age without full pensions.

MR. GATHORNE HARDY said, that though many persons who had to retire at 60 felt that they were still fit for work, the thing should not be looked upon in that way only; it should be looked upon also with reference to those below. Unless that was done, there could be no flow of promotion.

Vote agreed to.

Resolution to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £27,500, be granted to Her Majesty, to defray the Charge for the Administration of Military Law, which will come in course of payment from the 1st day of April 1877 to the 31st day of March 1878, inclusive."

SIR COLMAN O'LOGHLEN said, it was now five minutes to 1 o'clock, and there being 32 Orders of the Day on the Paper to be disposed of, he objected to any more Votes being taken. He would therefore move that the Chairman report Progress.

Motion agreed to.

Resolution to be reported *To-morrow*, at Two of the clock.

Committee also report Progress; to sit again upon *Wednesday*.

SUPERANNUATION (MERCANTILE MARINE FUND OFFICERS).

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund.

Resolution to be reported *To-morrow*, at Two of the clock.

LOCAL TAXATION (RETURNS) BILL.

On Motion of Mr. SCLATER-BOOTH, Bill to amend the Law with respect to the Annual Returns of Local Taxation in England; and for other purposes relating to such Taxation, ordered to be brought in by Mr. SCLATER-BOOTH and Mr. SALT.

Bill presented, and read the first time. [Bill 221.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, 26th June, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—Royal Irish Constabulary * (120).

Second Reading—General Police and Improvement (Scotland) Act (1862) Amendment * (109).

Committee—Gas and Water Orders Confirmation (Abingdon, &c.) * (66).

Third Reading—Elementary Education Provisional Orders Confirmation (Felmingham &c.) * (96), and passed.

LAW AND JUSTICE—SURREY ASSIZES QUESTION.

THE EARL OF ONSLOW asked Her Majesty's Government, Whether it is intended always to limit the duration of the Surrey Assizes to six days; and, why the county of Surrey should be the only one exempted from the statutory rule which allows suitors to name the county or place in which they propose that their actions shall be tried?

THE LORD CHANCELLOR said, he could assure the noble Earl that Surrey was not excepted from the statutory rules referred to. Every suitor had a perfect right to name any county where his action might be tried; but, on the other hand, there was another right on the part of the Judge. If he found an action set down for trial in a county which had no connection with the case, he had power to send it back to the county to which it really belonged. This was obviously a very desirable power—parties might, for instance, be so ill-advised as to set down an action which belonged to Northumberland for hearing in Cornwall—it would, indeed, be an evil if the Judge had not power to send it to the county where it could properly be tried. What had been done with regard to Surrey was this—Before the Judicature Act passed and the present arrangements for continuous sittings in London and Middlesex were made, the practice was that all sittings in London or in Middlesex for the trial of jury cases came to an end towards the end of June, when the learned Judges went upon Circuit. From the time the Judges went on Circuit about the end of June until the following November there were no means of trying cases in London or Middlesex. The result of that was that where there was any case pressing for trial the plaintiff set it down for trial at Guildford or Croydon, or any other place near London, rather than have it thrown over till November. But one of the great objections to that practice was that in Croydon or Guildford 100, 200, or 300 cases, perhaps, were set down for trial that had nothing whatever to do with the county of Surrey, and which would have been tried in London if

there had been the means of trying them in London. That practice involved great expense in the sending down of witnesses. As a remedy, it was suggested that, Surrey being so very near London, the Surrey Assizes might be dispensed with altogether, and the Surrey cases and the Surrey prisoners be brought to London for the purpose of trial. The county of Surrey objected very much to that; and in consequence of that objection it was arranged that two of the learned Judges who were left for the continuous sittings in London and Middlesex should go down to Surrey and continue the Surrey Assizes for the purpose of trying the Surrey cases. That arrangement worked very well for some time. What had happened lately was this. There was a very considerable number of cases to be tried in London and Middlesex, and it occurred to some solicitors in London that they might get a trial of them by abstaining from putting them down for trial in the regular list and putting them down for trial in Surrey. The consequence was that very suddenly a considerable number of cases were put down for trial at Guildford or Croydon, which had no connection whatever with the county of Surrey. Of course, to the Lord Chief Justice and Mr. Justice Grove, the learned Judges who were to hold the Surrey Assizes, it was a matter of indifference whether they sat in London or at Croydon; but it was a serious matter that, by moving it to Croydon, London business should be taken out of its proper turn. The learned Judges had, therefore, announced that they would allow an adequate number of days for the disposal of the business connected with the County, and that they would hold themselves free as to the remainder of the cases.

MALAY PENINSULA.

Further correspondence relating to the affairs of certain native chiefs in the Malay Peninsula in the neighbourhood of the Straits Settlements (in continuation of C.—1512. of 1876): And

GIBRALTAR.

Draft of an Ordinance, together with correspondence relating to the proposed regulation of the import and export trade of the Port of Gibraltar:

Presented (by command) and ordered to lie on the Table.

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 26th June, 1877.

MINUTES.]—NEW MEMBER SWORN—Frank Hugh O'Donnell, esquire, for Dungarvan.
SUPPLY—considered in Committee—ARMY ESTIMATES—Resolution [June 25] reported.
PUBLIC BILLS—Resolution [June 25] reported—Ordered—Superannuation (Mercantile Marine Fund Officers)*.
First Reading—Oyster and Mussel Fisheries Order Confirmation* [222], and referred to the Examiners.
Committee—Supreme Court of Judicature (Ireland) (re-comm.) [127]—R.P.
Third Reading—New Forest* [213], and passed.

The House met at Two of the clock.

QUESTIONS.

OBSCENE PUBLICATIONS—LORD CAMPBELL'S ACT.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to the case of *The Queen v. Hicklin*, whereby the Court of Queen's Bench decided the pamphlet called "*The Confessional Unmasked*" to be an obscene publication within the meaning of the Act 20 and 21 Vic. (Lord Campbell's Act) and prohibited its sale and publication, Whether the Government will introduce a Bill declaring such Act "to apply exclusively to works written for the single purpose of corrupting the morals of youth, &c." (as stated by Lord Campbell to be the intention of his Act)?

THE ATTORNEY GENERAL: In reply to the Question of the hon. Member, I beg to state that on examination of the case referred to, "*The Queen v. Hicklin*," I find that the Recorder of Wolverhampton found that half *The Confessional Unmasked* was obscene, and that the indiscriminate publication of it was calculated to prejudice good morals; but that the defendant did

not keep or sell the copies of the work for gain, but to expose the Confessional. The Court of Queen's Bench on these findings held that, notwithstanding the object the defendant had in view, the publication in question was a misdemeanour, and that an indictment would lie. As the law stands, therefore, it would seem that the publication of an obscene book is an offence, though the person publishing it was not actuated by any desire to deprave, and the book was not written with that object. The law, in fact, desires to prevent the minds of the people being polluted, and is not careful to consider the motives of the polluter or the means to which he resorts. On the whole, the Government sees no necessity for any alteration in the law on this subject.

EDUCATION DEPARTMENT—THE CONFESSIONAL.—QUESTION.

MR. WHALLEY asked the Vice President of the Council, with reference to recent disclosures of certain doctrines and practices under the name of "Confessional," carried out by Ministers of the Established Church associated for that purpose under the name of Holy Cross, or otherwise, Whether he is aware of any such Minister being now recognized by his Department as having charge or control over public schools; and, if so, whether any and what steps will be taken to protect the public against the propagation of such doctrines and practices under the name of education?

VISCOUNT SANDON: I would remind the hon. Gentleman that the Education Department has no authority to deal with the religious teaching and observances of public elementary schools, beyond insisting upon a strict adherence to all the provisions of the Conscience Clause, which provides, in addition to other securities for the rights of conscience, that a parent may withdraw his child from any religious teaching or observance. Beyond this, none of the Acts which we administer give us any authority to inquire into the doctrines or practices of the managers of the schools which receive our annual grants, be they Board, Church of England, or Roman Catholic. Nor do they enable us to interfere with the constitution of the governing bodies of the schools. Under these circumstances, I cannot

The Attorney General

think that I have either the right or the power to make the inquiries which would alone enable me to answer the hon. Gentleman's Question. I trust, however, that the House will not think that I in any way undervalue the gravity and importance of the subject to which the hon. Gentleman has called attention.

RUSSIA AND TURKEY—LORD DERBY'S DESPATCH OF MAY 6.

QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, Whether he is prepared to name the "European Nations" referred to in the Despatch of the 6th of May, which concur in or may be expected to support the policy indicated therein, namely, that Russia shall restrict her operations to certain portions of the Ottoman Empire?

THE CHANCELLOR OF THE EXCHEQUER: The passage in Lord Derby's despatch of May 6 to which the hon. Gentleman appears to refer is this—

"The mercantile and financial interests of European nations are also so largely involved in Egypt that an attack on that country, or its occupation, even temporarily, for the purposes of war, could scarcely be regarded with unconcern by the neutral Powers—certainly not by England.

Now, I do not think I should be justified in taking up the time of the House by enumerating all the European nations which have mercantile or financial interests in Egypt. It would have been shorter, perhaps, to mention those which have not—only, unfortunately, I have not been able to find any.

NAVY—DESIGNS OF SHIPS OF WAR.

QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether with reference to the Committee of Inquiry into the designs of ships of war of Her Majesty's Navy, he will now consent to the appointment of the promised Committee without further postponement?

MR. A. F. EGERTON, in reply, said, that the First Lord of the Admiralty, after a full consideration of the reasons alleged for the appointment of a Committee to inquire into the designs of ships of war of Her Majesty's Navy, had come to the conclusion that he could not consent to the appointment of such Committee.

PARLIAMENT — ORDER — COMMITTEE
OF SUPPLY.

LORD ROBERT MONTAGU wished to call attention to a point of Order. It seemed to him there was a mistake in the Votes sent round that morning. At No. 45 the Resolution was recorded, "That this House will immediately resolve itself into the Committee of Supply." This Resolution, however, did not preclude a long debate before going into Committee. It was moved, "That Mr. Speaker do now leave the Chair," but an Amendment to this was agreed to; and thereafter it was again moved and resolved—as given at No. 47 in the Votes—"That this House will immediately resolve itself into the Committee of Supply." If it was against the practice of the House—as he contended it was—that the same Motion should be put twice, it was desirable that the Votes should be altered in case this occurrence might be drawn into a precedent. The effect of allowing the Motion in question to be put over and over again would be to take from the House the Constitutional power of stopping Supply.

MR. SPEAKER: It is right I should state to the House that when a Motion is made that this House do immediately resolve itself into Committee of Supply the object of that Motion is to "set up" Committee of Supply, and for no other purpose. That Motion is followed in ordinary course, after Committee of Supply is "set up," by a Motion that I now leave the Chair. That course was taken last night, and the proceeding is entirely in accordance with the Rules of the House. I therefore see no ground for the alteration of the Votes, as proposed by the noble Lord. It appears to me the noble Lord scarcely attaches sufficient weight to the consideration that there are two Motions before the House. One is that Committee of Supply should be "set up," which is done by the first Motion "that this House do immediately resolve itself into Committee of Supply," and when that Motion has been carried it is followed by a second Motion "that I now leave the Chair." And there is no reason why, on the same night, the Motion that this House do resolve itself into Committee of Supply should not be made as often as the House thinks fit, thereby affording additional facilities for the discussion of grievances.

ORDERS OF THE DAY.

—:0:—

SUPREME COURT OF JUDICATURE
(IRELAND) (*re-committed*) BILL—[BILL 184.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

COMMITTEE. [*Progress 22nd June.*]
Bill considered in Committee.

PART I.

Constitution and Judges of Court of Judicature.

Clause 6 (Constitution of High Court of Justice in Ireland).

MR. SERJEANT SHERLOCK moved the omission of a portion of the clause providing—

"That when first after the commencement of this Act one of the existing Judges of the Landed Estates Court shall die, resign, or otherwise vacate his office, the vacancy thus occasioned shall not be filled up until a Commission shall have been issued by Her Majesty under her Royal Sign Manual to ascertain and report whether the business in connexion with the Division of the High Court of Justice (herein-after termed the Chancery Division) makes it requisite that such appointment should be made, nor until the expiration of a period of forty days after the date of such report, if Parliament be then sitting, and if Parliament be not then sitting, until the expiration of a period of forty days after the commencement of the then next Session of Parliament."

The hon. and learned Gentleman said, that according to the succeeding clause of the Bill, the jurisdiction exercised by the Judges of the Landed Estates Court was to continue to be exercised by them or their successors, or, in case of illness, absence, or vacancy, by any other Judge of the Chancery Division of the High Court; that if the state of business permitted they should be bound to assist from time to time in the general business of the Chancery Division; that they were to be Judges of the Chancery Division. He objected to the proposed appointment of a Commission, and pointed out the inconvenience that might arise from the adoption of such a provision, especially in a case where one of the Judges of the Landed Estates Court might be incapacitated from discharging his duties at the time his brother Judge had been sent to discharge duties at the Assizes or to perform other functions that were superadded to his department.

He failed to see the practical utility of such a Commission, and thought that the only question really to be considered was whether the Committee would be justified in imposing so many new duties on the Judges of the Landed Estates Court. If the Government thought the number of Judges ought to be reduced, and could show good ground for so thinking, he should not oppose a provision giving power to reduce the number in case of necessity.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that unquestionably a large and increased jurisdiction was by this Bill given to the Judges of the Landed Estates Court. A second Judge had been appointed for that Court; but the Government desired to retain the power of issuing a Commission, when a vacancy occurred, to consider whether it was necessary to maintain a second Judgeship. He trusted his hon. and learned Friend would not press his Amendment to a division.

MR. GOLDNEY opposed the Amendment.

MR. LAW said, he hoped the Amendment would not be pressed, as it was impossible to say, until they saw how the new machinery worked, whether it would or would not be desirable to retain two Judges of the Court in question.

MR. SERJEANT SHERLOCK said, as the Government were unwilling to accept it, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. BIGGAR (for Mr. PARNELL) moved, in page 5, line 8, to leave out from "until" to "next Session of Parliament." He said, the object was to make it imperative not to appoint another Judge, and he added that much wonderment had been created as to the grounds on which appointments already made had been ordered.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, this Amendment was the exact converse of the one which had been previously moved. He opposed it on the ground that the Government ought to retain the power of re-considering the whole question when a vacancy occurred. The matter had come before the House in July, 1875, and there had then been little difference of opinion, the hon. Member for King's County (Sir Patrick

O'Brien) and others remarking on the inconvenience arising from the want of a second Judge.

MR. PARNELL said, he was sorry that he was not present in time to move the Amendment. Judge Flanagan had written to the Government saying that he was quite capable of discharging all the duties of the Landed Estates Court, and therefore there was no necessity for making the appointment; yet, for reasons that never appeared, the Government appointed a second Judge to the Landed Estates Court, in the teeth of the remonstrance of Judge Flanagan. Judge Flanagan also said that in 1875 he had only sat 87 days out of 365, and notwithstanding the short time he sat he had time to work off a considerable portion of the arrears left to him by his predecessor.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, much of the work of the Landed Estates Court was done at home, and consisted in the reading up of titles to estates and so forth, a mistake in which would be irreparable. It was also proposed to abolish the office of Receiving Master, and all his work would have to be performed by the Judges of the Landed Estates Court.

MR. O'SHAUGHNESSY said, he thought that members of the Irish Bar could not be taunted with selfishness in the matter, though it was one of much interest to them. He held that many of the duties at present performed by the Judge were merely clerical and ministerial. As long as these merely routine tasks were thrown upon him there would be need for the additional Judge whose appointment was now questioned. He could not support the Amendment, because he thought it would not be wise to take action in the matter before they found out whether the alterations made in the Bill would or would not increase the work which would have to be performed by the Judges of the Landed Estates Court.

MR. MORRIS said, he did not think there was a harder working member at the Bar than the Receiving Master of the business of the Landed Estates Court. He thought it would be found necessary to have two Judges to perform the work in an efficient manner.

MR. MELDON said, that was not the first time that the hon. Member for

Mr. Serjeant Sherlock

Meath (Mr. Parnell) had brought forward the question of the appointment of a second Judge to the Irish Landed Estates Court, but he had never heard any arguments offered in support of the work really requiring two Judges to discharge it. He knew that the newly appointed Judge, Mr. Ormsby, was a most painstaking Judge—that he had given satisfaction to the suitors at the Bar, the Profession, and the public since his appointment; but the question was whether or not a second Judge should have been appointed.

Mr. LAW also defended the appointment of Judge Ormsby as a man very well suited to the position which he now filled.

Mr. PARNELL said, the reason for the Amendment was that there were not sufficient causes in the Landed Estates Court to fully occupy two Judges. That was proved by the Government now proposing to throw upon their shoulders additional duties. What he complained of was that the judicial staff of Ireland was too large. He was told by a person highly qualified to give an opinion that six Judges would be sufficient; but under the Bill there were to be 11, and all he wanted to do was to reduce the number to 10.

Amendment negatived.

Clause agreed to.

Clause 7 (As to Judges of Landed Estates Court.)

Mr. PARNELL moved, in page 6, line 6, to leave out all the words from after "Judges," to the word "Judges," in line 8, inclusive, and insert—

"All rules made in pursuance of this section shall be laid before each House of Parliament within such time, and shall be subject to be annulled in such manner, as is in the sixty-seventh section of this Act provided."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8 (As to Judges of Court of Bankruptcy.)

Mr. PARNELL moved, in page 6, after line 19, to insert—

"Provided always, That when first after the commencement of this Act one of the existing judges of the Court of Bankruptcy shall die, resign, or otherwise vacate his office, the vacancy thus occasioned shall not be filled up until a commission shall have been issued by Her Majesty under Her Royal Sign Manual to ascertain and report whether the business in connection with the Court of Bankruptcy makes it requisite that such appointment should be made, nor

until the expiration of a period of forty days after the date of such report, if Parliament be then sitting, and if Parliament be not then sitting, until the expiration of a period of forty days after the commencement of the then next Session of Parliament."

This Amendment merely proposed that the provisions adopted with regard to the Landed Estates Court should apply to the Court of Bankruptcy also.

Question proposed, "That those words be there inserted."

Mr. MELDON hoped his hon. Friend would withdraw the Amendment. The case of the Bankruptcy Court was quite different from the Landed Estates Court. The Judges of the Bankruptcy Court had as much as they could do, and their work was continually increasing. If local Bankruptcy Courts were instituted, then would be the time to consider whether the Judges of the Court of Bankruptcy should be so relieved of their duties that only one Judge would be necessary. In 1874 the two Judges had 5,602 sittings, and in 1875 these sittings had increased to 6,936; and, besides these, the Chief Registrar had 3,000 or 4,000 sittings annually. The hon. Gentleman paid a compliment to the efficiency of the staff, to whose skill it was owing that the costs of winding-up estates were so very small in Ireland.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that the statement of the hon. Member for Kildare had clearly shown that the quantity of business in the Bankruptcy Court was so great that it could not be done by one Judge. The whole scope of the present Bill was to leave the Bankruptcy Court, which was found to work very well, exactly as it was for the present. When local courts with bankruptcy jurisdiction were established, then would be the time to consider whether one Judge in Dublin would not be sufficient to administer the business of the Court.

Mr. BIGGAR supported the Amendment. The argument was not that the Bankruptcy Judges had too little business at present, but that it was very probable that a clause in another Bill would give bankruptcy jurisdiction to local Courts in Ireland, and then the work to be done in Dublin would be greatly reduced.

Dr. WARD maintained that the Irish Bench was greatly over-manned. If they passed a County Courts Bill they would take away a great deal of the business

from the higher Courts. In Ireland there were 24 Judges of the first instance against 20 such Judges in England, and 12 Common Law Judges in Ireland against 18 in England. The whole question came to this—were they to maintain all these Judges merely to please the Bar until Government modified their Bill by appointing a Commission of Inquiry into the business performed by the Judges? He must oppose the Bill. The judgments in Ireland numbered 4,481, against 23,543 in England, so that the amount of business done in England was enormously beyond that done in Ireland. He commented on the eagerness of the Members of the Irish Bar for obtaining Government appointments.

SIR COLMAN O'LOGHLEN said, these statistics, if his ears did not deceive him, had been given by the hon. Member for Meath (Mr. Parnell) on the day when the Bill was last before the House. He thought that two Judges were at present necessary, but that before any vacancy was filled up a Commission should be appointed to say whether a second Judge was necessary.

SIR PATRICK O'BRIEN asked whether the hon. Member for Galway (Dr. Ward) would like the principle he laid down applied to the Medical Profession? When he heard the hon. Gentleman apply it to that Profession then he should believe in his doctrine. He maintained that if the views which had been expressed by the hon. Members near him were carried out the Bench and the Bar would be provincialized and degraded. Were it not that there existed the possibility of obtaining eventually those higher appointments, men of the ability and legal knowledge now practising at the Bar in Ireland would relinquish their practice in Ireland and betake themselves to the English Bar, thus lowering the character of the profession in Ireland, and inflicting deep and lasting injury on suitors in Ireland. He held that the Bar in Dublin was a credit to Ireland, and he hoped the Committee would recognize the character of the Bar and Bench and maintain it. He did not believe the views of the people of Ireland would approve of a reduction of the Judges.

SIR MICHAEL HICKS-BEACH reminded the Committee that the discus-

sion was taking too wide a scope. The question before them was whether the Irish Bankruptcy Court should be left untouched for the present as proposed by the Bill.

MR. SULLIVAN said, the hon. Baronet (Sir Patrick O'Brien) appeared to lay it down that whether they wanted the Judges or not they had better keep them, because it brought the money there. That was a corrupting influence, and the hon. Baronet belonged to an antediluvian school of Irish politics if he thought now-a-days they could carry on corruption. [SIR PATRICK O'BRIEN rose to Order. He had not spoken of corruption.] No; the hon. Baronet had shrunk from that, but that was what it was. He called it public corruption when public officials were maintained out of public money, and their services were not *bona fide* required for the discharge of public duties. Why were they, in the name of patriotism, to pay officials in Ireland, whether they were wanted or not? Ireland did not want, either in the name of patriotism or any other name, that public money should be spent in any such manner, and the Department of all others that should be kept free from reproach was that of the seat of justice. The worst mode of expending public money was by applying political patronage to the justice seat, on the ground that it was good money spent in the country. The bankruptcy business in Ireland, they were now told, was increasing; but when other questions were under discussion relating to Ireland, they were told that Ireland, of all countries under the sun, was the home of happiness and prosperity, and that bankruptcy was scarcely known there. Taken as a whole, there was no Judicature throughout the world so free from imputation that would detract from the dignity that belonged to the seat of justice. He was afraid, however, that it was made in Ireland too much the reward of political attachment, rather than of intellectual attainments.

MR. GOLDNEY said, the question was not whether there were sufficient Judges of high attainments in Ireland, but whether the bankruptcy department in that country should remain as at present for some little time longer.

MR. LAW denied on the part of the Irish Bar that they had any desire to multiply judicial places. He did not

believe that an extravagant distribution of Imperial money was beneficial for Ireland. He certainly should be surprised to learn that any secret negotiations had taken place between the members of the Irish Bench and the Government in relation to this Bill. The complaint in Ireland was that there had not been sufficient communication between the Government and the Judicial Bench of Ireland before these great changes were proposed. The proper time, however, for the consideration of such a proposition as that before the Committee would be when the Bill, to be brought in hereafter, dealing with bankruptcy, was under discussion. There was sufficient bankruptcy business at present in Ireland to occupy the time of two Judges. He should oppose the Amendment.

SIR GEORGE BOWYER, while concurring with the hon. and learned Member for Louth (Mr. Sullivan) in the opinion that the number of Judges ought not to exceed that which was necessary for the due administration of justice, thought it extremely desirable, seeing how much of our law was Judge-made, that they should not be called upon to work under high pressure, and, in consequence, perhaps decide cases imperfectly. The number of Judges in this country had been a few years ago, in accordance with the economical suggestions of the right hon. Member for Greenwich (Mr. Gladstone), reduced by one or two, and the result was that additional Judges were now called for. Ireland, he might add, was improving, and as that improvement went on its judicial business would increase in importance. It would be but a niggardly policy therefore, he thought, to diminish the number of Judges in that country. He should oppose the Amendment.

SIR PATRICK O'BRIEN said, he totally and completely disclaimed that he had based his argument on the principle of corruption. He was as free from that commodity as the hon. and learned Member for Louth (Mr. Sullivan). He had not based his remarks upon any question of patriotism — patriotism he regarded as something too sacred to be estimated by considerations of pounds, shillings, and pence. He regretted to say it was but too often employed in that House and elsewhere upon trivial matters completely un-

worthy of its application to them. He had long since ceased to be connected with the Bar, and had no personal interest in it, but as an Irishman he revered it as having trained men whose genius, eloquence, and integrity shed lustre on his country.

MR. CHARLES LEWIS expressed his regret that the question of bankruptcy jurisdiction was not dealt with in either of the Irish legal Bills before the House, and said that the mere promise of a measure on the subject some two or three years hence was regarded with great dissatisfaction in the part of Ireland which he represented.

MR. O'CONNOR POWER expressed dissatisfaction at the conduct of the Government in regard to this measure, for this reason—that this was the third time that the Irish Government had attempted to pass this Bill. The Judiciary establishment in Ireland was so overstocked at present that one out of every three *bond fide* practising lawyers in Dublin might fairly count upon filling a Government situation. He did not mean one out of every three called to the Bar, but one out of every three who had the ghost of a chance of being appointed. They had seen the effects in that plethora of appointments in the history of many distinguished Irish lawyers who had got into the House by the eloquence that had distinguished them at the Bar, and who had been placed on the Bench to adjudicate cases arising out of the practical application of principles which they had themselves advocated. What they proposed was to diminish, as far as the scope of this Bill would permit, the Judiciary in a given case, not immediately, but when a vacancy occurred. They should appeal to the testimony of a Royal Commission.

MR. MELDON said, that when a country was prosperous and credit was very extended, they would find that the bankruptcy business increased, and when trade was dull, it decreased. If one of the Judges of the Court of Bankruptcy was ill or away on Circuit, they proposed that the question of filling up the appointment should be left to a Select Committee.

MR. M'CARTHY DOWNING said, the Joint Commission appointed to consider the subject came to the conclusion that the Judicial Bench in Ireland was not overmanned. He believed the Judges

in England were overworked, the consequence being that men died off the Bench in this country much sooner than they did in Ireland. Again, the English Judges were assisted by Queen's Counsel at the Assizes; whereas in Ireland all the judicial duties were discharged by the Judges themselves. He protested against the imputation which had been cast upon his hon. Friend the Member for the King's County (Sir Patrick O'Brien), who had sat in that House for 25 years, and was, he believed, the oldest Irish Member in the House, and was certainly free from any suggestion of dishonour in reference either to his personal, or political character. It was greatly to be regretted that hon. Members should take advantage of their position in that House to asperse others in order to get applause for themselves.

MR. BIGGAR said, that Irish Members ought not to be blamed for expressing their opinions. It was impossible for them to agree always. He was in favour of referring vacant appointments to the consideration of a Royal Commission.

MR. PARNELL wished to point out that the Amendment he had placed on the Paper seemed the only possible way of directing attention to the negligence of the Government in dealing with this Bill. The Attorney General for Ireland had alluded vaguely to some future time when he might deal with the law of Bankruptcy in Ireland, with the view, perhaps, of extending to local tribunals the jurisdiction they held in Ireland. At present the poorer class of traders were much oppressed by having to go to Dublin to get their affairs wound up. He thought this was a question which ought to have been dealt with in this Bill—that the Government, in order to simplify matters, had sought to rush through the House a Bill which was nothing more than a series of compromises between the Bar and the Judges on one hand and the Government on the other, in order to carry out this very imperfect Bill, which affirmed a vast number of abuses, and had left untouched many matters of the first consideration to the poorer classes.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, everything had been done by the Government to improve the administration of justice in Ireland. It was with the higher

Courts that the present Bill dealt, and the lower Courts would come within the operation of the County Courts Bill, a subject which would no doubt receive the most careful consideration of a Select Committee. The last Bankruptcy Bill had 125 clauses and over 200 general orders. How could such matters be dealt with in one or two clauses?

MR. PARNELL said, that by the English Judicature Act the Bankruptcy Court was included.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that it was excluded by the Act of 1875, as the provision was found not to work.

Question put.

The Committee *divided*:—Ayes 62; Noes 230: Majority 168.—(Div. List, No. 193.)

Clause *agreed to*.

Clause 9 (Existing Judge of Admiralty), *agreed to*.

Clause 10 (Constitution of Court of Appeal).

MR. DUNBAR moved, in page 8, line 8, after "Chief Justice," to insert "Master of the Rolls." His object was to make the Master of the Rolls a member of the Appellate Court, and thus put him in the same position as the Master of the Rolls of England. He objected to anything which would lower the office of Master of the Rolls.

MR. LAW supported the Amendment. He said he did not think the position of the Master of the Rolls in Ireland should be lowered, especially having regard to the desirability of maintaining an efficient Court of Appeal. The only objection he had ever heard to the proposal of his hon. Friend, was that the Master of the Rolls might have a difficulty in attending the Court of Appeal without causing inconvenience to the suitors in his own Court; and this, of course, it was desirable to avoid. But it was clear that unless they could have in Ireland a sufficient number of permanent Judges to constitute the Court of Appeal, they must rely on the services of *ex-officio* Judges. It would admittedly be necessary, on certain occasions, to draw the Chief Justices and Chief Baron from their Courts in order to form a strong Court of Appeal; and that being the case, it was plain that the larger the area from which they selected the Judges of that tri-

bunal, the smaller would be the impediment placed in the way of the business of the Courts from which they were drawn. Then it was extremely desirable to have as great variety as possible in the constitution of the Court of Appeal, and that object would be best promoted by retaining the Master of the Rolls as an *ex-officio* Member of the Court. To do so would, moreover, be not only in harmony with the English system of Judicature, but also consistent with the precedence over other Judges which it was proposed still to leave to the Master of the Rolls. He hoped the Government would accept the Amendment.

MR. M'CARTHY DOWNING said, he trusted that the Committee would agree to this Amendment. He thought it would be matter of regret that a Judge of the eminence of the Master of the Rolls should be left out of the Court of Appeal. His presence there would be regarded with great satisfaction in Ireland, and it would only be in conformity with the course followed in England. There was a rumour in Dublin that this step had been taken out of regard to the feelings of the Vice Chancellor; but he was sure that the Vice Chancellor was too high-minded a man to feel any jealousy at the Master of the Rolls being a Member of the Court of Appeal, although he was not himself.

SIR EARDLEY WILMOT was also favourable to the Amendment. If the Master of the Rolls was not allowed to be a Member of the Court of Appeal there would be an undue preponderance in it of Common Law Judges, while the Equity element would be weak.

MR. COGAN also trusted that the Government would re-consider this point. It would strengthen the Court and be most agreeable to the Bar of Ireland that the Master of the Rolls should be a Member of the Court of Appeal.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that no one entertained a more profound respect than he did for the present Master of the Rolls in Ireland; but the question before the Committee must be discussed on a more comprehensive basis than that involved in personal considerations. The salary of the Master of the Rolls and his high dignity were preserved. No attempt was made to detract from the precedence he had enjoyed; but this Amendment proposed to give him a

jurisdiction which the Master of the Rolls had never at any time enjoyed. The *ex-officio* Members of the Court of Appeal were the Lord Chancellor and the Chiefs of the three Law Courts. If the Chief of the Queen's Bench, of the Exchequer, or of the Common Pleas were withdrawn from his Court to hear appeals, he would leave his own Court with three other Judges fully constituted to transact its ordinary business. But if the Master of the Rolls was withdrawn to sit in the Court of Appeal, his Court and its Chambers must be shut up. Its business could not go on, and the greatest inconvenience would be inflicted on suitors. This would be a most serious matter, seeing that the Master of the Rolls was now one of the most hard-worked Judges in Ireland, and his Court one of those most resorted to. It was said that there would be an anomaly in the Master of the Rolls remaining a Judge in the first instance, while he retained a precedence before the Judges who would sit in appeal from his decisions. But that anomaly existed now. Then he must remind the House that it was proposed to reduce the salary of future Masters of the Rolls from £4,000 to £3,500. This would be inconsistent with his presence as a member of the Court of Appeal. He did not think that it was a sufficient argument in favour of the Amendment that the Master of the Rolls in England was a member of the Appeal Court in this country.

MR. SERJEANT SHERLOCK said, he was in favour of the Amendment, as he thought that in the interests of the public, it was expedient that they should have as strong an appeal as possible. When they considered the eminence of the men who had held the office of the Master of the Rolls in Ireland for the last half-century, it was clear that the presence of the Master of the Rolls would add greater strength to the Court of Appeal. He did not think that any inconvenience would arise from the occasional absence of the Master of the Rolls from his own Court while sitting in the Court of Appeal; because during such absence his duties, whether in Court or in Chambers, could be discharged by one of the Judges from the Landed Estates Court. It was most important to maintain a similar organization of the Judicial Body in England and Ireland, and this would not be done if, while the

Master of the Rolls in England was a Judge of the Court of Appeal, the Master of the Rolls in Ireland was not. He protested against the reduction of the salary of Masters of the Rolls from £4,000 to £3,500.

MR. MELDON could not join in the statement that the two Chief Justices would be better spared from their Courts than the Master of the Rolls. Much inconvenience would result from Chief Justices being withdrawn from *Nisi Prius* cases with a host of cases waiting for trial. He thought there ought to be a larger number of *ex-officio* Judges to guard against the contingency of not being able to form a Court.

SIR HENRY JAMES said, that the Master of the Rolls now ranked before the Chief Justice of the Common Pleas and before the Chief Baron. If these two Judges were made Judges of the Appeal Court, and they declined to make the Master of the Rolls also a Judge of the Appeal Court, it would be a slight to the latter if these Judges could reverse his decision and he could not reverse theirs.

THE CHANCELLOR OF THE EXCHEQUER said, that the opinion had been expressed on both sides of the House, and by hon. Gentlemen exceedingly competent to speak on the subject, that by the arrangement which was proposed in the Bill something in the nature of a slight would be cast upon the Master of the Rolls. Nothing could have been further from the intention of the Government than to cast any slight upon a person of such high rank and position as the Master of the Rolls; and having regard to the opinion expressed, not only by hon. Gentlemen from Ireland, but by so high an authority as the hon. and learned Gentleman who had just spoken, the Government had come to the conclusion that it would be better to accept the Amendment, so that the Master of the Rolls in Ireland should be put upon the Court of Appeal, in the same way as the Master of the Rolls in England.

Amendment agreed to.

MR. PARNELL then proposed that only one ordinary Judge should be appointed on the Court of Appeal, instead of two Judges, as provided by the clause. He observed that if there was any contention that the Irish Judges were unable to

perform their work, he could understand such a proposal; but he held in his hand a comparison of the relative amount of judicial work performed in Ireland and England from 1862 to 1873. They had in Ireland 12 Judges, and if they were to distribute the same amount of work among the English Judges, it would give employment to 50. If they were to double the number of Judges in Ireland, instead of halving them, he did not think their taxation would be increased. The charge would fall upon the Consolidated Fund, for the English Government were drawing every farthing of taxation out of the country, and it would be perfectly impossible to get any more. The question was, whether an engine of bribery and corruption was to be maintained. He knew the Bar of Ireland, and he knew it was perfectly impossible for any Profession to withstand the corrupting influences that had been brought against the Bar of Ireland. They were, therefore, doing a service to that Bar, as well as to the people of Ireland, in pressing such an Amendment as this.

Amendment proposed, in page 8, line 5, to leave out the word "two," in order to insert the word "one."—*(Mr. Parnell.)*

MR. COGAN desired to protest in the strongest terms that the Rules of the House would permit against the statement of the hon. Member for Meath (Mr. Parnell), that judicial appointments in Ireland were premiums given to the eminent men of the Irish Bar for corruption. He deeply regretted that any Irish Representative should have thought it part of his duty to make such an imputation on the members of the Irish Bench. The character of the Irish Judges stood too high to require any defence from him; and he therefore contented himself with protesting against the language of the hon. Member, which was deeply to be deplored.

MR. M'CARTHY DOWNING pointed out that the statistics quoted by the hon. Member for Meath were altogether fallacious as a test of the business done in the Courts of the two countries. He joined in the protest of his right hon. Friend (Mr. Cogan) against the attacks of hon. Members on the purity of the Bench and honour of the Bar.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) pointed out

Mr. Serjeant Sherlock

the necessity for having a strong Court of Appeal, one which would command the confidence of the country and prevent the necessity of constant and costly appeals to the House of Lords by dissatisfied suitors. The real strain of the business of the Court would fall upon the Lord Chancellor and the two ordinary Judges of the Court of Appeal. There would always be three Judges sitting in the Court, and he could assure the Committee that the appointment of this additional Judge had not been lightly made. He would receive a salary of £4,000 a-year, and he would occupy an analogous position to that of Lord Justice Christian.

MR. BIGGAR did not believe that if the number of ordinary Judges were reduced to one the Court of Appeal could be at all considered a weak Court. With one ordinary Judge he thought the strength of the Court would be quite sufficient for all ordinary purposes, especially after the decision of the Committee in adding the Master of the Rolls to the number of *ex-officio* Judges. He objected to this multiplying of officers, and saw no good grounds for paying a lawyer £4,000 a-year for doing little or nothing.

MR. PARNELL thought the Government had failed to make out a case for the appointment of this extra Judge. Why could not the *ex-officio* Judges of the Court of Appeal do the work? If these last were to be considered merely as ornaments, it were better to strike them off altogether. If the Master of the Rolls, whose appointment had just been the occasion of an hour's use, not to say waste of time, if the appointment of the Master of the Rolls was not a real one, and if there was another Judge appointed to do the work of the *ex-officio* Judge, it would have been better not to have lost an hour in the last discussion. [*Ironical cheers.*] He reminded hon. Members that he did not take part in that discussion. It appeared to him that Irish Members, to whom he listened, represented the desire of the nation that the Master of the Rolls should be appointed on the ground that that Judge should do the work and add to the strength of the Court of Appeal. But if another Judge was to be appointed, why appoint the Master of the Rolls? The consequence would be that the work would be in a great measure left to the

ordinary Judges, the *ex-officio* Judges would neglect the Appeal work, and not take the pains with their work which the public had a right to expect.

Question put, "That the word 'two' stand part of the Clause."

The Committee *divided*:—Ayes 249; Noes 46: Majority 203.—(Div. List, No. 194.)

MR. PARNELL said, he understood the salary of this appointed ordinary Judge was to be £4,000 a-year, but he saw no provision in the clause to that effect. He asked under what portion of the clause that was enacted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) referred the hon. Member to the words of the 10th clause, and said the Bill followed the Act of 1856, under which the salary of Lord Justice Christian was fixed at £4,000.

MR. PARNELL asked why such a high salary as £4,000 a-year should be given to an ordinary Judge in the Court of Appeal? It was double the income of barristers of the first rank, and certainly there were not five barristers at the Irish Bar receiving £3,000 a-year. In making appointments in the English Courts the rule that salaries should bear some proportion to the emoluments of the Profession was observed; but in Ireland the salary of a Judge seemed to be twice, or, in some cases, three times the amount he would earn by practising in his Profession. Further on he had upon the Paper an Amendment to reduce these salaries, and he now moved the reduction of the salaries of the ordinary Judges of Appeal to £3,500 a-year. In all probability there would be an additional charge thrown upon the Consolidated Fund by an increase in the salary paid to the Master of the Rolls. He would ask if that was not so?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, he saw no reason for a change in that respect.

MR. PARNELL observed that an Amendment of the hon. and learned Member for Kildare (Mr. Meldon) proposed to increase the salary of the Master of the Rolls by £500. In that he saw an additional reason for reducing the salaries of the ordinary Judges by a like amount.

THE CHAIRMAN reminded the hon. Member that the Amendment was not relevant to the clause under discussion.

MR. PARNELL gave Notice of his intention to introduce the subject on Report.

Clause 13 (Tenure of office of Judges, and oaths of office).

DR. WARD (for Mr. BUTT) moved, in page 9, line 30, to add—

“No Judge of the High Court of Justice, while he continues such Judge, shall hereafter be appointed to any place of profit under the Crown.

“No Judge of the High Court of Justice, other than the Lord Chancellor, shall be or continue to be a member of any board of Commissioners, or other body exercising any public trust, and all Acts of Parliament constituting any of the Judges members of any such board of Commissioners, or other public body, shall be and the same are hereby repealed.”

He gave instances of Judges holding positions as Commissioners of Education, and in consequence subjecting themselves and their officers to a great deal of suspicion of partiality in matters in which, from their position as Commissioners, they were interested. The respect for the law was not increased by such a state of things. One of the Judges in Ireland, in addition to his salary of £3,500, received £2,000 as a Member of a most important Commission. That would tend to show that the Judges had not a sufficient amount of judicial work. It was most undesirable that administrators of the law should come into contact with public opinion upon agitated questions, and this was recognized in England and Scotland.

It being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

ILLEGITIMATE INTESTATES' ESTATES (SCOTLAND).—RESOLUTION.

COLONEL ALEXANDER, in rising to call the attention of the House to the appropriation by the Treasury of the estate of the late William Paterson, and to move—

“That, in the opinion of this House, it is inexpedient for the Treasury to depart, without previous notice, from the immemorial custom of Scotland, and for the first time to appropriate

the estate of an intestate bastard when there are blood relations who, if he had been legitimate, would have been his next of kin according to the Law of Scotland.”

said, that in bringing this question before the House, he hoped he should not be accused of any feeling of hostility or disrespect towards the Government. Whatever other questions might be, this was no Party question, and he dared to say that the Government of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) would have decided in this matter precisely as Her Majesty's Advisers had done. But there was a feeling abroad—he could not say how true it was—that these matters were not regulated by this or that Government, but by a body of mysterious and permanent officials, called the Treasury; and he asked the House to say that that permanent and irresponsible Body should not deviate without previous notice from the immemorial custom of Scotland in distributing the estates of intestate bastards. He acknowledged the courtesy of the Chancellor of the Exchequer, who had put into his hands the case of the Government. Mr. Paterson, of Paterson, in the county of Ayr, died in January, 1874, intestate, leaving personal property to the amount of about £40,000. He was the illegitimate son of Mr. Paterson, of Jamaica, who adopted him and educated him as his son. The claimant, Mr. Paterson, of Montgomery, was the nephew, heir at law, and next of kin to the intestate bastard's father, and was consequently cousin-german to the intestate bastard. If the deceased had been legitimate, the claimant would have succeeded at once without question to the whole of the property, and he claimed to be placed in the same position as he would have occupied if the deceased had been legitimate. But he (Colonel Alexander) knew it might be said—and he believed it would be said, either by the Chancellor of the Exchequer or by the Secretary to the Treasury—that as the deceased bastard had the power of making a will, and failed to make a will, he consequently had no intention of benefiting his (Colonel Alexander's) constituent, Mr. Paterson, of Montgomery—that he preferred, in fact, that his property should escheat to the Crown. But, in the first place, it was very unlikely he should desire that his property should be placed in the same category as the pro-

perty of felons and outlaws; and, in the next place, there was nothing whatever extraordinary in the circumstance that he failed to make a will. Many persons from deeply-rooted habits of procrastination failed to make a will. But whether he had, or had not an intention of benefiting his (Colonel Alexander's) constituent was totally beside the question. There were many owners of property between whom and their heirs at law no love was lost; but if those owners died intestate, the law said that their heirs at law should inherit the property. As the deceased bastard failed to make a will, he (Colonel Alexander) submitted the law assumed his intention was that his property should go to his heir at law. He (Colonel Alexander) contended that the heir at law of an intestate bastard should not be placed in a worse position than the heir at law of a person born in wedlock. He might be asked why, when Parliament gave to the bastard the power to make a will, it did not go further, and give the succession, as a matter of course, to the next of kin of an intestate bastard? His answer was, that it was often difficult to ascertain who were the next of kin; but he submitted that when once the claim of next of kin had been ascertained to be genuine, the Treasury had always proceeded on one fixed and settled and unchangeable principle in distributing these estates. As authority for this, he would quote the Secretary to the Treasury, who, early in this Session, replying to a Question by the hon. Member for Greenock (Mr. Grieve) said—

"The Treasury, in considering first of all the claim of any individual, inquired whether there was any evidence, either by an informal will or otherwise, of an intention to make provision for that individual. Then they considered further whether a strong claim existed on the part of individuals with regard to whom there was no such evidence. Then they proceeded to consider what would have been the disposal of the property supposing the deceased had been legitimate, and they followed the principles laid down by the law for the distribution of property in the case of legitimate persons who died intestate."—[3 *Hansard*, ccxxxii. 896.]

Although the deceased bastard had been dead upwards of three years, no instrument indicating his desire to leave his property in any particular manner had been discovered. The deceased had left several poor relatives on the mother's side who had made claims upon the property; but he believed that the Secretary

to the Treasury had properly decided, that as those persons would have had no right to it had the deceased been legitimate, they could derive no right from the fact that he was illegitimate. In these circumstances, the hon. Gentleman could only follow the course indicated by himself—namely, to follow the principles laid down by the law of Scotland for the distribution of property in the case of illegitimate persons who died intestate. He submitted that that was the course which had been invariably followed by the hon. Member and his Predecessors in similar cases. In replying to a later Question by the hon. Member for Greenock, the Secretary to the Treasury said—

"I am not aware of any case in Scotland in which the Treasury appropriated and retained the estate of an intestate bastard when there existed either a written statement of his intentions regarding the disposal of his estate after his death, or persons who, had he been legitimate, would have been his blood relations."—[*Ibid.* 1257.]

He had been informed in the Lobby that the hon. Member had a complete answer to the case; but if so, he must have a complete answer to his own statements. He asked why this immemorial custom and practice was to be departed from in this particular instance? The property of deceased intestate bastards was administered in Scotland, in the first place, by the old Scotch Lords of the Treasury, then by the Barons of the Court of Exchequer, and now, since 1833, by the Lords of the Treasury. But although the administrators had changed, the principles upon which the administration had proceeded still remained in force. The hon. Member's statement of the practice was corroborated by Sir Samuel Shepherd, the Chief Baron of the Court of Exchequer in Scotland from 1819 to 1830, who was examined before a Committee of the House of Commons in 1832, and he said, as to the practice of that Court—

"Another branch of the Court of Exchequer was that of disposing for the Crown of property which came to the Crown as the *ultimus hæres*, or by escheat, as in the case of bastards. The practice of the Court was to give it to those persons who would have been entitled to it had not illegitimacy intervened, reserving also some portion for beneficial purposes."

Sir Samuel Shepherd went on to say that the portion which was reserved for beneficial purposes was about what the amount

of duty would have been that the person succeeding, according to his affinity, would have had to pay to the Crown; so that the principles were so fixed, that there was a separate branch of the Court for such cases, and the reservation for beneficial purposes strengthened his position; for by that arrangement the heirs of intestate bastards were prevented from obtaining an exemption from succession duty not enjoyed by the heirs of persons born in wedlock. Could there be a better proof that the practice of the Court was settled, and not intermittent, occasional, and spasmodic? Sir Samuel Shepherd was next asked, if he would not ask whether the party was domiciled in Scotland, and he replied—

“Most certainly. In all these cases we adhere to the law of Scotland, except, in some cases in which we deviate a little from charitable motives; but, generally speaking, that is the law upon which we distribute all the property.”

In a letter to *The Echo* by Mr. Preston, proprietor of *Chambers' Index to Next of Kin*, the evidence of Mr. Hart Dyke, late Queen's Proctor, was quoted. He would quote from the official Report. Mr. Hart Dyke said—

“I take out letters of administration, and get in all money for the Government in connection with the estates of intestate bastards. When bastards die there are always plenty of people only too ready to seize hold of their property. In ordinary cases I receive a letter stating that A. B. is dead, and that he had such and such property, that he was a bastard, or had none but illegitimate relatives. I find out who the next of kin are, or the persons to whom the Crown should make grants, and I recommend accordingly.”

English cases were, he understood, relied on; but this evidence, he thought, showed that, after all, the practice in England was not very different from the immemorial practice of Scotland in such cases. But whether it was so, or not, was not the question. This was Scotch property, and they were not bound by English, but by Scotch law and custom. They had no more to do with the law of England in this case than with the law of France or Germany. Professor Bell, a recognized authority on this point, said it was a well-recognized principle in the law of all countries, that the succession in movables was regulated by the domicile at the time of death. But the hon. Gentleman the Secretary to the Treasury might say that they were not dealing with law, but with custom.

Colonel Alexander

He would appeal to any hon. and learned Gentleman in that House, whether custom which had subsisted for a number of years had not the full force of law? Parliament had itself expressly sanctioned the principle which guided the Courts of Scotland in the distribution of the property of intestate bastards in the Savings Bank Act. That Act expressly provided that if any depositor in any such savings bank, being illegitimate, should die intestate, leaving any person or persons who, but for the illegitimacy of such depositor, would be entitled to the money due to such deceased depositor, it should be lawful for the trustees to pay the money due to such deceased depositor to any one or more of such persons as, in their opinion, would have been entitled to the same had the depositor been legitimate. The right hon. Gentleman might quote this section against him, and say that Parliament probably intended to grant the depositors in savings banks a special privilege. But, he asked, what was the distinction between the two descriptions of property? Why should Government grant one and withhold the other? The right hon. Gentleman was, he apprehended, afraid of the existing law. He might, however, re-assure him by stating that, although the intestate bastard died three and a-half years ago, and diligent search had been made amongst his papers for a will, no such document had been found. Moreover, Mr. Paterson, of Montgomery, was quite willing to give the most ample security for the reimbursement of the money in the improbable event of a will turning up. He was even willing that the money should be placed in the hands of trustees to be named by the Government. He submitted that it was the duty of the Government, after a reasonable time had elapsed, to distribute this estate according to the immemorial custom of the country of the deceased person. There was one other point which the right hon. Gentleman would make, which was this—He would say that Mr. Paterson, of Jamaica, had directed that his property, failing issue of the body of the bastard, was to go to a cousin, the heir of entail, and that that proved that his daughter, the mother of his constituent, was sufficiently provided for. No doubt, that was so, as far as the entailed property was concerned; but surely the right hon.

Gentleman did not mean to contend that the savings of the deceased bastard, over which Mr. Paterson, of Jamaica, could possibly have no control, could be bequeathed by the latter to anyone whatever. He submitted that what the House had to consider, was not what were the intentions of Mr. Paterson, of Jamaica, but of Mr. Paterson, the deceased bastard. He thanked the House for the patience with which it had listened to him. He earnestly asked the Chancellor of the Exchequer to re-consider the decision at which he had arrived, so that it might not go forth to the country that the policy of a Conservative Government was a policy of spoliation and confiscation.

MR. SERJEANT SIMON seconded the Motion, and said, he thought the hon. and gallant Member had laid before the House a case of great hardship, not only in the nature of the case itself, but enhanced by the departure of the Government from their usual action in cases of a similar nature. The state of the law with regard to natural offspring was very unsatisfactory. It was hard and unjust, punishing the innocent for the sins of the guilty—natural offspring were disinherited by our law on the ground of a legal fiction which said that they had no father, while it compelled the putative father to support his illegitimate child—such was the inconsistency of the law. He hoped that this case would be the means of bringing the Government to a sense of this great wrong, and that they might think it right to amend the law for the protection of innocent persons born out of wedlock. Such an alteration of the law might be made without injury to the sacred relations of married life.

Motion made, and Question proposed,

“That, in the opinion of this House, it is inexpedient for the Treasury to depart, without previous notice, from the immemorial custom of Scotland, and for the first time to appropriate the estate of an intestate bastard when there are blood relations who, if he had been legitimate, would have been his next of kin according to the Law of Scotland.”—(*Colonel Alexander.*)

MR. W. H. SMITH said, that his hon. and gallant Friend (Colonel Alexander) had laid a very serious indictment against the Treasury, and he thought particularly against the Secretary to the Treasury, in relation to the matter which he had brought before the House. He

confessed that he was undertaking an unpleasant duty, and one of serious responsibility. To a person in his position, it would be infinitely more pleasant in dealing with a large fund for which he was not responsible to Parliament, to distribute it among claimants whose view was that their claims were satisfactorily established, than to deal with it otherwise. But he stood in the position of a trustee, and was responsible for the due administration of the fund which the law placed in his hands. The law gave the estates of intestate bastards to the State. That property was constituted by the law as much the property of the State as were the funds voted by Parliament for the service of the Crown. Custom, however, had said that when an intestate bastard had expressed a strong feeling in favour of a particular individual to whom he was attached, or in favour of persons who had rendered great services to him, his wishes should be respected, and that the State should at its discretion make a grant or gift to those individuals. Now, what was their duty in the particular case under consideration? It was their duty to administer the property agreeably to the trust reposed in them. They were responsible to their own consciences, as well as to Parliament, and they had no right to distribute such funds with liberality and generosity as they might do if they were dealing with their own. They had simply to consider what was right, and to do justice, and it was their duty to examine, as far as they were able, into the circumstances of the deceased, into his intentions and wishes. With regard to the origin of the property in question, the Treasury found that a Mr. Paterson, of Jamaica, who had acquired a large fortune, had a sister and an illegitimate son. To his sister and her children he left half his property; to his illegitimate son he left the other half, placing it in trust for his benefit, but carefully providing that if the bastard should die without heirs, the property should not go to the sister nor to the heir at law, but to a distant cousin of his own. Rightly or wrongly, the Treasury took that to be, as they believed it was, the expression of the wish and will of the individual who was the founder of the family. Well, the illegitimate son came to Scotland and lived a se-

cluded life; he saved money, but was, and remained, on terms very far from friendly with the relatives of his father. He sought to conceal the property he possessed. Only that morning a letter had been received from Messrs. Andrews, his agents, stating that for 20 years they had invested in their own names, without accounting to him, a large proportion of the fund which was now claimed. At the time of his death they said they had a sum of £28,194 standing in their names in the Bank, and that the object with which this arrangement was made was to conceal the fact that the property in question was his. With that view he only received £50 half-yearly, and that not because he wanted money, for he had £10,000 in the Bank of Scotland, and a considerable sum in hand, but because he had no friendship for the relations of his father, and, on the contrary, an antipathy to them. The strong presumption, his agent added, was therefore, that he did not desire that his property should go amongst them. In fact, if it were not for the honesty of his agents, it would have been impossible for persons who now claimed to have known that the sum they claimed was the accumulation of the savings of the deceased. But, again, they had received notice that it was very probable the deceased had made a will, though the will had not yet been discovered. ["Oh!"] Well, in another case a will had turned up, and the principal sum was claimed after 50 years, together with 4 per cent interest. His hon. and gallant Friend had laid stress on the answers he had given on this subject in Parliament; but what he had said was said from a sense of responsibility, and what he had done was done under the advice of the Law Officers of the Crown. If the Treasury had been made aware of any intention whatever on the part of the deceased to benefit any particular person, it would have been their wish to give full effect to that intention, but they had no such evidence. The Treasury found that the deceased had the reverse of any intention to benefit his relations on the father's side; and, as trustees for the State and guardians of the public purse, the Treasury did not consider it their duty to make free with large grants of the sum at their disposal. Stress had been laid on the fact that the

custom of Scotland on the subject had been constant and unvarying; but that assertion was not borne out by the facts of the case. Every case had been dealt with according to its circumstances, and it was not possible to deal with them cases in any other way. Again, it had been said that the Treasury treated applicants harshly; but the Treasury had a duty imposed upon them, and whether it was right or wrong, morally—and he thought it morally right that for the benefit of the State things should be as they now were—they had to administer the law. It was not for them to decide whether the policy of the law was right or wrong; but if they exercised a large and generous discretion in giving away the funds of the State they would be accountable, not only to Parliament, but to their own conscience. There was no Department of the Government more responsible than that of the Treasury. They were called to account if they proposed Votes to Parliament which, after careful scrutiny, they deemed to be necessary; they were called to account if they failed to recognize the claims of individuals who complained that they were not treated with due liberality. If it became their duty to tell Parliament that Ways and Means could not be found, they were liable to be accused of want of economy and watchfulness. The duty of acting at the Treasury was in other respects far from being enviable and agreeable. It might be very easy to say "Yes" to the repeated applications that were made to the Treasury; but great pressure was brought to bear upon them by constituents, members of the Press, and the public; and they were urged to do their duty to the State, resisting claims and charges which ought not properly to be imposed upon them. In the present case various claims had been made. The solicitors—the Messrs. Andrews—believed that the deceased intended to give them the sum left in their custody—namely, £28,000—and if the deceased trusted them with this large sum for 20 years without exacting any accounts from them, any claim for consideration made from that quarter must, no doubt, be considered. There were 17 cousins, on whose behalf claims had been advanced, and there were four other classes of Petitioners who thought that the money should be given to public objects in

Mr. W. H. Smith

Kilmarnock. The minister of the High Church at Kilmarnock confirmed the statement that the deceased entertained an antipathy against his relations, and he inferred that the deceased, probably, intended to leave him a legacy: it would clearly, therefore, be very difficult to get any evidence as to the wishes and intentions of the deceased. The law, however, gave this property to the State, leaving a discretion to the Treasury as to its distribution, which was a matter of prescription, and not of law. The relations, whose claims were the subject of the Motion now before the House, had already been provided for to the extent of one-half the original property, and there was no evidence that they were on amicable terms with the deceased, or that he intended to benefit them by his will, but the contrary. Was it the wish and intention of Parliament that the Secretary to the Treasury should be accessible to all the influences which were brought to bear in cases of the kind, and so to make a large distribution of the funds which the law gave to him to administer, not for his own benefit, but for the benefit of the State? If so, then Parliament ought not to require the discussion of Votes of money at all, and Ministers should be allowed at their discretion to give away the money of the State as they might think fit in obedience to the strong pressure that might be brought to bear upon them in particular cases. Let Parliament alter the law if it pleased; but if the law gave this property to the State, it was not right that the Secretary to the Treasury should be squeezed and pressed to distribute this money in the manner most agreeable at the moment to the feelings of Members of that House.

Mr. ANDERSON, while admitting the responsibility which Parliament imposed upon the Treasury, and that the Treasury were in duty bound to look after all sources of revenue, and admitting, at the same time, that this was a matter of prescription rather than of legal right, wished to point out at the same time that this prescription had, from long use and wont, all the force of law, and he thought it was not too much to ask the Government not to depart from the usage which in these cases had been immemorial. The Secretary to the Treasury had said that the law gave the property in question to assist the reve-

nues of the State; but property so acquired would never assist the revenues of the State, and would never do any good to the State. It was property which, got in such a way, ought to, and would, carry a curse with it, for it was very little short of plunder to deal with it so. The only point in the speech of the Secretary to the Treasury which required a reply was that which arose on the letter of the Messrs. Andrews, where it was said that the bastard was on unfriendly terms with Paterson. He (Mr. Anderson) was authorized to contradict that assertion; on the contrary, he continued to visit Paterson as long as he visited any one. The Andrews family were themselves making a claim to the property, and it was to their interest to make out that the man was on unfriendly terms with his relatives; but the statement was absolutely without foundation, and the alleged antipathy did not exist. As for the part of the estate that was otherwise settled it was an entailed estate, and therefore its settlement did not touch the point at issue. It was important that the House should come to a vote upon this question. He trusted the Government would give way to the general feeling of the Scotch Members in the matter. It was a question on which Scotch Members intended to vote "solid"—both sides of the House would vote together.

Mr. DODSON implored hon. Members not to come to a hasty decision upon this question, which was one of very great importance, extending far beyond the case immediately before the House. It involved a question of law and of practice in dealing with property of this nature. He described a case which came under his notice, when he held office at the Treasury. A man of high birth and large property had a legitimate daughter, a legitimate son, and an illegitimate one, and the latter, having received a commercial education, became the partner of a wealthy tradesman, who bequeathed him his property. He willed it to his only friend, his mother, who died a few days before him, and there being no one to take the property, the legitimate son and the children of the legitimate daughter claimed it as being next of kin. The Treasury refused to accede to that claim. What would have been the effect of their conceding it? It would have been a reward to them

because their father had begotten the bastard. [*Laughter.*] Hon. Members laughed; but that was really a case which came before him a few years ago. Surely there was a confusion of ideas when people spoke as they did of the moral claim of the nearest of kin of a bastard. The principle underlying the distribution of the property of an intestate to his nearest of kin was that the State looked upon them as having presumably been his best friends, his supporters and companions in life. But this was not a presumption which held good in the case of a bastard. He had been probably ignored and rejected as an outcast by those who would, in a case of legitimacy, be presumably entitled to his property. The Treasury acted upon the principle of looking first of all to see if there was any written declaration, however informal, of the wishes and intentions of the intestate bastard, and if there was they were always disposed liberally to give way to that. They also looked about to see if he had any relations on the mother's side, any particular friends who had assisted him, who were those who throughout life had been his neighbours in the scriptural sense of the term. If there were any cases of that kind the Treasury was always disposed to consider them. There was always the difficulty that the nearest of kin in blood could not be assumed to be the persons to whom the intestate person was most attached. In deciding this question the House must not only look at the particular case before it, but at the general principles. No one who knew the Chancellor of the Exchequer and the hon. Gentleman the Secretary to the Treasury would accuse them of dealing hardly or unjustly with any case brought before them. He felt it his duty to support those who had charge of the administration of these estates, and he should unhesitatingly give his vote with the Government upon this question.

MR. COLMAN fully admitted that this was a broad question, and that it must not be decided by isolated cases; but he thought the House ought to know that there had been cases in which the relatives of the putative father had received allowances and the relatives on the mother's side had not been allowed at all.

MR. W. E. FORSTER said, this was a very difficult case, and one which most

of them must wish to avoid giving judgment upon. Before he gave his vote or abstained from voting, he wished to ask one question. He understood by the terms of the Notice that this was the first time that the estate of an intestate bastard in Scotland had not been given to the next of kin. The Secretary of the Treasury in his reply had not met that particular point, and he should be glad to hear from the Solicitor General whether there was any precedent for not giving the estate of an intestate bastard to the next of kin. If there was not, he confessed he should feel strongly inclined to vote for the Motion.

DR. LUSH observed that the way in which he should vote would be determined by the answer given to the question—was there any reciprocity in the matter? If the legitimate relations of a bastard had a right to claim the result of his savings there should, in his opinion, be the alternative that the bastard children should have the same rights as the legitimate in the distribution of property.

SIR GRAHAM MONTGOMERY maintained that until this case arose it had been the universal practice of the Exchequer of Scotland to allow the property of the intestate bastard to go to those who would have been his next of kin had he been legitimate. He should like to know what the Government really meant to do with this money; did they mean to keep it altogether or distribute it among the relatives of the deceased, or were they going to wait until a will turned up? Their answer to these queries would decide the vote he should give.

DR. KENEALY said, he had listened to this debate with considerable pain and sorrow, because instead of this question having been argued in that House on grand and equitable principles, the meanest and most contemptible *Nisi Prius* views had been brought to bear upon it. He hoped the Leader of the British House of Commons would instruct his followers to look upon the matter in the light Pitt would have done, who would have been ashamed to pocket money derived from such a source. He defied anyone to produce an instance where the immemorial custom of Scotland had been departed from as it had been departed from now. He dissented from the view which had been put forward, that this was simply a question of law,

for he agreed with those who held that prescription had overridden law, and the House ought on that occasion to pass a vote which would give prescription the force of law, and do an act of justice, rather than allow the Government to retain possession of money to which they were not entitled. He considered that the fact of the deceased not having made a will showed that he believed his property would go, according to custom, to his sister and her children. He did not believe there was any will in existence. He sincerely hoped from the essence of his heart—[*Laughter*—he supposed it was allowed in Parliament to speak of the essence of one's heart—that the hon. and gallant Gentleman would succeed in carrying this Resolution.

THE SOLICITOR GENERAL, as an English lawyer, would venture to put before the House some circumstances which he thought would justify them in rejecting the Motion before the House. He should have concurred in much of what had been stated on both sides if the statement of the hon. and gallant Member (Colonel Alexander) could be substantiated by facts. If it had really been the immemorial custom in Scotland that property of this kind had always been treated in the way in which it was suggested that the property in this case should be treated, then he agreed that the course taken by the Treasury was an extreme one, and one not likely to find favour with the House. But that was exactly, he thought, where the hon. and gallant Gentleman had failed. That was not, and never had been, the custom in the history of Scotland. Escheats by bastardy, like every other escheat, belonged originally to the superior feudal lord. About the 16th century the Crown succeeded to those escheats. In 1707, in pursuance of the Articles of Union, an Exchequer Court was established in Scotland, in the two-fold character of a Court of Law, and also as a Board, administering Treasury funds very much as they were now administered by the Lords of the Treasury; and down to 1829, or even a later period, the Court of Exchequer in Scotland did exactly what the Treasury claimed to do now. In the cases of small estates, and when it could be done without injury to the revenue or the Crown, the property might be distributed rather in the way of charity, if it was not thought desirable

to insist on the extreme rights of the Crown. A Committee sat in 1832 to consider the propriety of abolishing the Court of Exchequer in Scotland, and distributing its duties differently; and the result was that from 1832 to 1835 the distribution of these estates was given to the Woods and Forests, and after that time it was entrusted to the Lords of the Treasury. Chief Baron Abercrombie, who was examined before that Committee, described the principle on which the property of intestate bastards was distributed by the Court. He stated that the property was disposed of in the same way as property of that kind was distributed by the Treasury in England—that they always reserved a portion as a charitable fund, and generally distributed the remainder among those persons who appeared to have been most attentive to, and most in the confidence of, the deceased. He believed that to be the practice at this hour, and that the Treasury in England acted on that principle—the principle of an absolute discretion, remembering that they were trustees of the real heir, should one ever turn up. In the year 1730 a book on the subject was compiled, and was printed in 1820 under the superintendence of two Barons of the Exchequer, and it described the practice which had prevailed in the distribution of these estates as that which had been stated in the evidence of the Chief Baron. Sir Henry Jardine, who was examined before the same Committee, concurred in the evidence which had been given by the Chief Baron, and it appeared that a discretionary power had always been given to the Baron. [Mr. W. E. FORSTER inquired if that was an English or Scotch precedent?] It was purely a Scotch precedent, and it was clear that the practice which began in 1707 was carried down to the time at which the work to which he had referred was published. He thought the Motion now before the House was inconsistent with the principle that an immemorial practice existed that the estate should be administered according to the same principle that it would have been if the deceased person had died intestate. This matter, however, involved far wider considerations than were involved merely in the discussion of the particular case before the House. The policy of the law was to encourage marriage, and to re-

fuse to acknowledge illegitimacy; and it would be most injurious to lay down a general proposition to the effect that the property of a bastard intestate should be treated in the same way as if he had been properly married, and his issue had been born in wedlock. As far as the particular case before the House was concerned, he could only say that the duty of the Law Officers was to give to the Crown the best advice in their power in view of the facts presented to them. With reference to the discretionary power which was in certain cases exercised by the Crown, the right hon. Gentleman opposite (Mr. Forster) had asked him whether he could point to any instance in which the Crown had taken to itself the whole property of an intestate bastard. He confessed that he was unable to adduce any such instance. On the other hand, he thought the right hon. Gentleman would feel the relevancy of this observation—that the instances in which any question of this sort had arisen during the time within which the discretionary power of the Commissioners had been exercised had been very rare indeed. But, no doubt, the discretionary power of the Crown had been exercised in such cases whenever they had occurred, as in cases of unclaimed dividends or treasure trove; and he could see no difference between these cases, except so far as the technical law of bastardy operated. For this reason, and also because he knew how beneficially the discretion of the Crown had been used, he could not wish to see it taken away.

MR. M'LAREN said, it was clear that before this case there had not been a case of this sort in which such a large sum of money had not been divided amongst the friends of the deceased. He wished to point out that the feeling throughout Scotland was that the money ought to be given to those friends; and therefore the House ought to confirm the Resolution and not allow the Government to rob those friends of £40,000. A comparison of legal opinion must be in favour of Sir Samuel Shepherd, whose views were opposed to that of a late Speaker (Mr. Abercromby), and he could not believe that any Lord Advocate could think otherwise.

THE CHANCELLOR OF THE EXCHEQUER said, the absence of the Lord Advocate, to whom the hon. Member for Edinburgh (Mr. M'Laren) had referred,

The Solicitor General

was due to indisposition, and that though the law on the subject had been sufficiently stated, the Government was somewhat at a disadvantage. However, the Lord Advocate would in all probability have corroborated the statement the House had just heard. He (the Chancellor of the Exchequer) could only say that this was one of those questions which caused a good deal of anxiety to the Treasury. This question had been considered by his hon. Friend the Secretary to the Treasury and himself. They had given it their best attention, and they had had before them the opinions of the Law Officers of the Crown. The equity of the case, as well as the law, had been well considered, and he believed that neither the House nor the Government could agree to the proposition which they had been asked to affirm—namely, that it had been the immemorial usage to appropriate the estate of an intestate bastard to those who would have been his natural heirs. He denied altogether that there had been any such immemorial usage. The immemorial usage had been the other way. There could be no doubt, in the first place, as to the law that, when the bastard died intestate, his estate escheated to the Crown. In olden times when it escheated to the feudal lord he took it as a part of his profits. When the Crown deprived the feudal lord of that privilege it took the estate as part of the Crown revenues; and when in a later day a milder system was introduced, that system was not founded on the rights of the case, but on the discretion and, so to speak, the charity of the Crown. A proof of it was that the Crown always mentioned that a portion of the estate was given in charity, which showed that there was no immemorial usage to give it to the next of kin. Then it must be borne in mind that in former times there was greater reason for exercising more charity in the case of a bastard in Scotland than in England, because a bastard in Scotland was subject to peculiar disadvantages not applicable in England. Even if he had children of his own, he was unable to make a will in their favour until 1836. Therefore, there was the more reason that the Crown, when it became possessed of the bastard's property, should in charity make over to his children that which had come to the State. The Legislature took the circumstances into con-

sideration, and removed the difficulty by giving the bastard power to make provision for his family and friends by making a will. But the Legislature did not think it right to go beyond that; it left the case of the intestate bastard in the same position as before. From that it might be gathered that the Legislature left the estate of the intestate bastard to be disposed of at the discretion of the Crown. It was perfectly well known to Mr. Paterson that such was the law. He could at any moment make a will, and he must have known that if he did not his property would come into the hands of the State, and might be disposed of in any way at the pleasure of the State. There was no evidence that Mr. Paterson had any desire to leave his estate to any particular person. The Government were asked whether they knew of any case in which property to any considerable amount had been left undisposed of by a bastard. They knew of no case in point; but did the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) know of any which would support his view? What was the argument drawn from immemorial usage? It was that some expectations had probably been entertained by the relatives of the bastard which had been disappointed. If that were the case with his own children or some one whom he had encouraged to hope, it would be hard to disappoint them. But there was not a scintilla of evidence that there were any such expectations. Under these circumstances, he could only appeal to the House to consider this case fairly and upon its merits. It was natural that everyone should desire to benefit an individual in such a case rather than the State. But let the House consider what the position of the State and the Treasury was. Let them bear in mind that the exercise of discretion in this matter was a duty which was imposed on the State and the Treasury, and which was exercised under a strong sense of responsibility to the public; and let the House rest assured that in the decision of this case they had been actuated by the most thoroughly public-spirited motives.

Question put.

The House divided:—Ayes 135; Noes 197: Majority 62.—(Div. List, No. 195.)

CHURCH PATRONAGE.—RESOLUTION.

MR. LEATHAM, in rising to call attention to the traffic in livings; and to move—

“That in view of the prevalence of simoniacal evasions of the law and other scandals and abuses in connection with the exercise and disposal of private patronage in the Church of England, remedial measures of a more stringent character than any recently introduced into this House are urgently required,”

said:—Mr. Speaker, Perhaps, Sir, it may excite surprise that any one who is known to be opposed to the principle of an Established Church, should trouble himself about reforms, the introduction of which is often regarded as the better alternative of disestablishment; a very common notion, perhaps, being that we should prefer to see scandals and abuses as rife and rampant in the Church as possible, in order that public disapprobation may be the more vehemently excited against an institution in which such scandals exist. But I venture to think that those who judge our motives have scarcely done justice to them, and certainly they have not penetrated our policy. No doubt we desire to see disestablishment, but we desire to approach it, not solely or chiefly, through external agency, but by producing what we conceive to be a healthier condition and tone of feeling inside the Church. Now these great reforms are either possible, or they are not possible. Either event must, in my humble judgment, advance our views. If it be found that they are impossible—if, with every disposition to introduce them on the part of Parliament and of the Church, these abuses are found to be so built into the system that they cannot be removed without bringing down the whole fabric, what an argument such a discovery will leave in our hands. If, on the other hand, it be found possible to introduce them, just in proportion as you succeed in doing so, will you cause the Church to assimilate to the free Churches around her, and will you weaken and lower the barriers which still separate her from a state of entire freedom.

Now, Sir, it cannot be said, that in bringing forward this Motion I have shown any of the impatience of a fanatic. I have waited until the reforming zeal of the whole Bench of Bishops has evaporated, and until it is evident to the

comprehension of everybody that if these reforms are to be introduced at all, the initiative must be taken by those who, if not so jealous of the honour of the Church, are, at least, a little more hopeful as to the possibility of vindicating it. Nor, Sir, because this is the Motion of an outsider, is that any reason why those who sympathize with its object inside the Church should hesitate to support it, and, in fact, accept the challenge which I now make to them, and take it off my hands; especially as I shall content myself with laying bare the extent of the evil, and shall leave it to those who have the right to prescribe, to indicate the nature of the remedy. This is not because I have arrived at no conclusions of my own, but because the loud professions of the recognized physicians of the Church demand that the prescription should not come from one who belongs to quite another faculty. And I have other reasons. If I were to state what I think ought to be done with the proper attention to detail, I must make a much larger demand upon the indulgence of the House than I have any right at this hour to expect; indeed, it may fairly be doubted whether, when this question has once passed out of the present stage—which I take to be purely preliminary—it ought to remain for an hour in the hands of any private Member. It is the Government alone which can deal with it effectually, and one reason why I do not propose even to sketch what I think it would be well to do, is because I am anxious not to seem by this Motion in any sense to tie the hands of Government. My desire is to draw from the right hon. Gentleman the Home Secretary the declaration that he is prepared, when a fitting opportunity arises, to devote to this subject some of the attention and ability which he has devoted to it already, and at the same time to draw from the House an expression of opinion which may fortify him in the resolution to deal with it more effectually than it was proposed to be dealt with by the abortive Bill of 1875.

And now, Sir, as to the extent of this traffic. Mr. Day, for seven years secretary to the Bishop of Rochester, laid before the Committee of the House of Lords a tabular statement, containing some particulars of the advowsons and next presentations which were offered for sale in the columns of *The Ecclesi-*

astical Gazette, in the months of January, 1872, 1873, and 1874; the month of January being selected because it afforded a fair average for the rest of the year. I find from this statement that in January, 1872, 88 livings were then offered; in January, 1873, 89; and in January, 1874, 108. But do not let the House imagine that this monthly exhibition of spiritual bargains gives any adequate notion of the number of livings actually in the hands of agents. A friend of mine, who is well known to several Members of this House, who has made a special study of this question, and, under the *nom de plume* "Promotion by Merit," contributed a series of extremely able letters to a prominent member of the provincial Press (*The Manchester Examiner*), calculated three or four years ago, from a careful comparison of the printed registers of Church preferment, that at that time nearly one-fifth of the whole saleable patronage of the Church was up in the market for sale or for exchange, and that if all the advertizing agents were as successful in the transaction of business as one of them, Mr. Emery Stark, was recently shown to have been, the whole Church might be turned over, in a commercial sense, in 13 years. Now I have had the opportunity of verifying this gentleman's statements. Through the kindness of friends I have made quite a collection of recent issues of these periodically-printed registers. I find that eight agents who advertize in *The Ecclesiastical Gazette* give particulars, either in the advertizements themselves, or in the registers which they advertize in the same journal, of 1,676 livings selected from their books, and that if we add to these the number of benefices which one of these agents informs us that he has upon his register at home, we arrive at the enormous number of 2,383 as that of the livings offered for sale or exchange through recognized agents. The agent to whom I have just referred states that—

"Advertisements are little resorted to; they are open to great objection, and it is an established rule of the office to abstain from them as much as possible."

So he prefaces a list of 193 benefices or next presentations for sale, by the intimation that he has upwards of 1,000 on his books. He also informs us that—

Mr. Leatham

"It was held by a very eminent Prelate, lately deceased; that you might just as well call the buying and selling of a vacant living magic, as call it after the folly of Simon Magus."

Now, perhaps, it may be said that the eagerness to get rid of this kind of property is such that patrons often employ more than one agent; so that these lists contain duplicate advertizements. But I may observe that in the numbers which I have given I have not included—except in the case of one agent—what are termed "private instructions." These are only shown to purchasers who have their hands already in their pockets, or who wish to give to this species of profligacy all the piquancy of an assignation in the dark. One agent alone informs us that he has 60 of these private instructions on his books; and another, who only advertizes particulars of four livings, states that he has preferment on hand in almost every county in England. We may fairly, then, assume that at least 2,000 livings, or nearly one-fourth of the whole saleable patronage of the Church, is in the market for sale or exchange. Now, it has been asserted that some of these are bogus advertizements. My friend, to whom I have already alluded, has tapped these lists all over to test them, and he has not discovered a single bogus advertizement. The other day, for a moment, it seemed that he had done so. Having identified one of the livings, he wrote to *The Manchester Examiner*, stating that the Rev. J. Ray, both patron and incumbent, was offering by private treaty his living of Ashton-upon-Mersey, with immediate possession. Immediately there was immense indignation among this gentleman's friends at Ashton. A correspondence ensued, as it seemed to me, little creditable to those who took part in it. Its object appeared to be to lead the public astray, for it turned out that the utmost the rev. gentleman could say, after a hasty visit to London, the object of which could only be surmised, was that "the living was not now on sale."

Now, Sir, let us look at these advertizements to see whether there is anything in them to indicate the spirit in which this traffic is carried on. Is there anything, for example, to indicate that the responsibilities which are thus changing hands for money are some of the most solemn which any man can undertake? Or is the whole phrase-

ology that of the merest and coarsest speculation? Sir, ever since I can remember, and long before, there has been more or less of controversy in the Church with regard to disputed points of dogma and ritual. What traces has that controversy left on these lists? Mr. Cox, of Belper, whose name is well known in connection with his candidature for Parliamentary honours, has collected and analyzed 400 of these advertizements. In 14 only did he find any mention of what are technically termed views. In four a High Church incumbent would be preferred; in 10 a Low Church incumbent. One patron has a soul above all such considerations. "High Church," he says, "but Evangelical, would do for this parish." In 107 out of the 400 there is mention of "good society;" in some it is described as "very choice," in others as "real county;" in one there can be no doubt about it, for we are told that "there are five gentlemen's residences in this parish," and that in one of them is to be found a live Baronet, and in another an actual Admiral. Another parish is eligible for a double reason, "good society and no squire." In 53 the scenery is extolled. The clergy would seem to be curious about stabling. In five there is stabling for five horses, in four for six, in one for seven, and in one for eight. Ample justice is done to the sporting propensities of our spiritual guides. Fishing has always been an apostolical pursuit. In 30 we have good "fishing," in nine "shooting," in six "hunting;" while in three the successor of the Apostle has to be content with such modest excitement as is to be found in the use of the pea rifle. They have only rookeries to offer. But the baits which are evidently the most to be relied upon are those which suggest a very limited sphere of usefulness, or very early possession. Thus, "population under 100, duty nominal;" "almost a sinecure, single service and no school;" "no cure of souls, incumbent 77 and non-resident;" "population 1,740, duty only on every alternate Sunday," but "stabling for five horses and income £800;" "incumbent about 80, in a very precarious state of health;" "annual value £1,800, incumbent" (the advertizer) "aged 58, but he is, it is believed, in a very bad state of health." A friend of mine received the other day an

advertizement of a living for sale, accompanied by a memorandum which informed him that if he wished to buy he must reply by return, "as the incumbent was dying." He delayed doing so for a few days, and he was then informed that the incumbent was dead. "Immediate possession" is constantly advertized. I have a *Monthly Register of Church Preferment for Sale*, published by Mr. Bagster, for February last, which contains 94 advertizements, and in 57 of these immediate possession is guaranteed. Well, but, Sir, this great business is not always confined to retail. It sometimes assumes wholesale proportions, and livings are sold by the bunch. The cases of Stockport and Sandbach have been brought to my notice. Stockport was purchased by Mr. Symonds, a calico-printer at Manchester, 17 or 18 years ago, it having been offered by auction at the Warren Bulkeley Arms, along with 24 public-houses, two beer-houses, and a brewery. The incumbent was then 71 years old, but it was 17 years before this bargain fell in, although when it did, Mr. Symonds had no reason to complain, for it carried with it the patronage of six other parishes. But, not content with that, Mr. Symonds, the present incumbent, is endeavouring to upset the leases granted by his predecessor. Sandbach was purchased by a gentleman named Armistead, who put in his son in 1828. The son immediately instituted a suit for vicarial tithes against his parishioners, and so raised his annual income from £200 to £1,600, the living itself having cost £1,500. But that is not all. As mother church, it carries the patronage of five other livings, and in two of these are to be found gentlemen of the name of Armistead. I spoke a moment ago of auctions. Perhaps, the climax of indecency is reached when the cure of souls is knocked down to the highest bidder. Yet these auctions are of frequent occurrence. Perhaps, the incumbent is growing very old and infirm, and the living, which is in the hands of agents, does not go off. The incumbent grows older and more infirm. You throw the living on the market for what it will fetch. On the 12th of this month, the living of Broughton was offered at a public-house at Shrewsbury; on the 24th of last, St. Alkmond's, Derby, was offered at the Auction Mart, Tokenhouse Yard, together with the

Mr. Leatham

patronage of Little Eaton; of which the rector of St. Alkmond's, who offered it, is only the "official" patron. I am told that the whole emolument of Little Eaton, amounting to £300 per annum, is paid by the Ecclesiastical Commissioners.

Well, Sir, so much for this trade. Perhaps some one will say, at all events, we know the worst; it is no longer on the increase. Is that so? Mr. Bridges, who from his associations may be termed an ecclesiastical solicitor, was asked this question by the Lords' Committee:—"Has the sale of advowsons increased very largely within your experience?" He replied—"Very largely indeed." And Mr. Lee, who is secretary to many Bishops, speaks in the same strain. Now, Sir, perhaps some hon. Gentleman may say—"There is no doubt, something very unpleasant and unsatisfactory in all this; but, so far as you have gone, you have not shown that there is anything disreputable and dishonourable." I venture to think that there is a good deal which is discreditable in what I have shown already; but I will promise to convince the most sceptical and fastidious person of this before I sit down. For example, if this be an upright and honourable trade, it is remarkable that we find some of those who are the most actively engaged in it precisely the kind of persons which they appear to be. Lord Sydney Godolphin Osborne tells us that one of these agents was a few years ago a prosecutor for libel before the Bench at Worcester. He is the owner and publisher of the — *Gazette*.

"The defendant's counsel got out of this agent that his real name was —, and that he had good reason to change it. If you ask me, have I the slightest doubt in the world that he had been a convict, and that he had changed his name, I have no doubt of it, because the counsel put the question to him in open Court, and he admitted it."

Well, if the trade be pure, it flows through some singular channels, and through this particular channel it flows very freely indeed, because Lord Sydney Osborne laid before the Committee a copy of this gentleman's *Gazette*, dated the month before he gave his evidence—namely, April, 1874, which contained particulars of 182 advowsons, presentations, and exchanges.

And now, Sir, I come to the most painful part of my task; I mean the

evidence which identifies this traffic in great measure with simony, or with what is only not simony through fraud and evasion. Mr. Bridges, whom I have already mentioned as an ecclesiastical solicitor, was asked this question—

“Can you give me any notion as to the extent to which simoniacal transactions go?”

He replied—

“I have no doubt whatever that they cover a very large area.”

He was asked again—

“Are you aware that any evil exists with reference to the exchange of benefices?”

He replied—

“It is very often made the means of simoniacal proceedings, I believe.”

And Mr. Lee stated that “evasions of the law are almost universal.” And no wonder, Sir, when we remember the unhappy confusion into which the clerical conscience appears to have fallen upon this point. Mr. Bridges was asked this question with regard to the late oath against simony—

“You think, it being a legal oath, persons not of a legal mind may not quite understand it?”

“Yes,” he replied, “such persons may be very much embarrassed; or else they may come to the conclusion, which I have often seen arrived at by clergymen, that the whole thing is an absurdity, and that they may get through the matter in the best way they can. That I know to be a very common state of mind.”

“Have you known instances of that kind?”

“Yes, there have been many instances in which I have been fortunate enough to stop proceedings of this kind, and there have been other cases in which I have not been so fortunate, but in which proceedings have gone on in spite of every remonstrance.”

And with reference to a most rascally transaction, particulars of which are given in the Blue Book, he was asked—

“May I ask whether the clergyman who did this was generally regarded as a respectable man?”

He replied—

“He was a thorough gentleman by position; he was a man of good family, and there was nothing whatever against his character. He did not belong to any very earnest school in the Church.”

But what says Mr. Few? Mr. Few is probably known to half the House. He has practised in ecclesiastical matters for half a century—

“Practically you have had considerable difficulty in getting clergymen to understand the stringent character of the late oath against simony, have you not?”

“Undoubtedly, even in the case of men of undoubted piety, and more particularly in the case of the oath, it is quite remarkable how dense they were in seeing what its tenor was; and I remember my father constantly dwelling upon this same point, that he had to read it over to them. These were men of undoubted piety, and yet they could not see that what they desired to do was against the oath.”

In fact, Sir, there is too much reason to fear that not only transactions of a simoniacal character, but blank simony, going to the length of the sale and purchase of a vacant living, has taken place. For Mr. Dunning, who for 20 years has been secretary to various Bishops, was asked this question—

“You could not put your finger on a positive case, (i.e., of a vacant living having been sold,) and say that it had been done; but you believe that it has been done?”

He replied—

“I believe that it has been done.”

And for my own part, I can draw no moral distinction between the purchase of a vacant living, and the purchase of a living with immediate possession, which is a matter of almost daily occurrence. Again, Sir, the House is no doubt aware that, by a statute of Queen Anne, clerks in Holy Orders are prohibited from purchasing next presentations. Yet even this is evaded, for we have the authority of Sir Robert Phillimore and Mr. Dunning for saying that clergymen purchase advowsons, “subject to a re-sale.” But perhaps the most frequent and most flagrant evasion of the law is, when a living falls vacant, and, in order that it may bring a better price, the oldest and most infirm man who can be found is put in, and the living advertized with a glowing description of his age and infirmities. Lord Sydney Osborne gave three instances which came within his personal knowledge. First, there was that of Spettisbury, in the diocese of Salisbury, where the incumbent died unexpectedly, and the population being 1,000 with two churches, a clergyman of the name of Basket was put in, a man of 80 years of age, and holding previously a small living, but licensed as non-resident on account of age and infirmity. Then he gave the case of Rougham, in Norfolk, with a population of 1,000, and an in-

come of £800, to which a man of between 80 and 90 was instituted. But the worst case was that of St. Ervan's, in Cornwall, to which a clergyman named Cox was presented, who was "barely able to sit up in a chair." When he was taken there for induction, he had to be supported up the aisle by two persons, jelly and wine, or wine and water, were given him at the reading-desk, he was unable to finish reading the Thirty-nine Articles in the morning, and he died before the sale could be legally carried out. Then I may name the notorious case of Falmouth, a living worth £1,700 a-year, which fell vacant a year or two ago, and to which a clergyman, aged about 77, was instituted, and the living immediately thrown upon the market. But I need not detain the House by citing instances of this kind, for there is no hon. Gentleman who cannot recall similar cases.

Now, Sir, I suppose that it will be admitted upon all hands that a clergyman should be a man of good character? In every-day life we hear of physicians who devote their skill to some particular organ of the human frame. One man pounces upon your stomach, and another runs away with your lungs. Well, in clerical life we find something which is analogous. There are specialists there, too, and one of the most skilful of these is the man who applies himself to your diseased reputation, and who keeps the Bishop off your character. For example, the clerical convict, of whom I have spoken, having suffered in reputation himself, applies himself to the cure of those who are sufferers in the same line, and keeps a pocketful of livings for their relief. Lord Sydney Godolphin Osborne thus describes how he deals with one of these—

"Then a certain Mr. — was appointed; he was in many ways most objectionable. He at last got such a character that he resigned. Then he put in A. B. He and the clerical agent took the duty between them, the agent preaching; and the Bishop of Salisbury wrote to me that he had had more than 60 letters about A. B. At last his character became so obviously bad, that this agent moved him to the living of Q., where he prosecuted him for libel."

Finally, another clergyman named S., who had been subjected to an enquiry under a commission, was instituted to this useful living, coming from the diocese of Norwich. Now, all the Bishops

in these cases were duly warned about what was taking place; but it seems that they were totally helpless to prevent the institution of these people, though they refused to countersign their testimonials, and we are expressly informed that this convenient living was not a donative. The Bishop of Peterborough, whose efforts in the cause of reform have been beyond all praise, delivered in 1875 a very powerful Charge, in which he thus referred to this point—

"Since I have been a Bishop, I have been called upon to institute four clergymen, of whom one was paralytic; another so aged and infirm that, on the ground of his age and infirmity, he asked me for leave of perpetual absence from the important parish to which I had just instituted him; a third was a reclaimed drunkard, who was presented to a benefice, situated only a few miles from the scene of his former intemperance; the fourth had resigned a public office—sooner than face a charge of the most horrible immorality, the truth of which he did not dare to deny to me. In each of these cases the facts were perfectly well known to the respective patrons. As regards every one of these, I was advised that I had no legal power to refuse institution."

Now, Sir, I cannot pretend to-night to describe to the House all the genera of simony or *quasi-simony*. It is enough for my present purpose to describe a few of the chief species. "The difficulty is," as one of the witnesses *natively* remarked, "that the persons interested want to anticipate the vacancy," and so they are driven into transactions which are illegal, or are only not illegal because the skill and experience of centuries are resorted to in order to maintain the letter of the law, while its spirit is violated in every direction. Now, let us put side by side this state of the clerical conscience and of the conscience of patrons with the flourishing character of the traffic—a traffic which defies the ordinary fluctuations of trade; let us put the fact that "evasions of the law are almost universal," and that "simoniacal transactions cover a very large area," side by side with the circumstance that prosecutions for simony are absolutely unknown, that no such case has come into Court for 40 years, and that the Bishops openly proclaim their utter helplessness in the present state of the law; let us group all these facts together, and then let me ask the House whether it is to say Aye or No to this Motion? I ask devoted

Mr. Leatham

Churchmen whether, bearing in mind the amount of opposition which the Church has often to encounter, and the kind of criticism to which it is everywhere subjected, this is a state of things which they can afford to leave unchanged? Two or three years ago an attempt was made to change it, and, in order to justify the terms of my Motion, I fear I must detain the House for a very few minutes while I sketch as briefly as possible the history of that attempt.

Now, what was the Bill for the Reform of the Patronage Laws, which ultimately found its way into this House? Those who remember the incidents of its existence in "another place"—where it led the life of a pantomime—will agree that we may well ask. I have no doubt, Sir, that there is no Member of this House who, in his younger days, has not amused himself by watching the transformations of a nimble little animal, which begins life as a transparent globule, and ends by becoming an expert swimmer and a prodigious jumper. The measure to which I refer went through precisely similar transformations; only, by a law of natural selection which would have puzzled Dr. Darwin, just in proportion as it approached maturity, it developed backwards. It began by jumping very high indeed, then its legs fell off and it became a tadpole; then its tail fell off and it became a mere globule of legislation, transparent and passive, and which you might pierce in any direction in search of the principle of vitality without finding it. And in that shape it passed into the hands of my right hon. Friend, the Member for Cambridge University (Mr. Walpole). It is no secret, Sir, that when the Bill was originally mooted it was intended to embrace the prohibition of the sale of next presentations. That was the intention of the right rev. Prelate who moved for the Committee. It was the opinion of the great majority of the witnesses examined. But when the critical moment arrived, and the right rev. Prelate who was in the Chair (the Bishop of Peterborough) had submitted his draft Report, all his Episcopal Brethren save one—the same Episcopal Brethren, bear in mind, who, as the Archbishop of Canterbury informed us at a subsequent stage, regarded the prohibition of the sale of next presentations "as vital to the Bill if it were to be of

any real use"—I say all his Episcopal Brethren save one forsook him and fled, and the vital clause was struck out of the Report. But the Bill, as originally printed, still contained many important provisions which, before it arrived here, had entirely disappeared. What remained? The Bill abolished donatives. I wonder whether any hon. Member regards that as a great achievement? I wonder whether many hon. Members know exactly what a donative is? One of the witnesses called them "the cracked china of the Church," but I very much doubt whether they are the only infirm porcelain which that venerable edifice contains. A donative is a benefice to which you may present without troubling the Bishop, and which you may resign whenever you please. There are in all about 100 of them; and as regards the use which the clerical agents may make of them, let the House remember that in the worst case of manipulation by an agent which I have related to the House, we are expressly told that the benefice so manipulated was not a donative. Then the Bill abolished resignation bonds. That was simply to restore the law to the state in which it stood before the year 1827. It provided publicity. The Bishop was to keep a register of grants of advowsons. Is not the auctioneer's hammer publicity, and the 2,000 advertizements? Then the Bill declared the payment of interest upon the purchase money of an advowson illegal. As though any actuary could not calculate the value of the existing life, and deduct it from the principal! Finally, the Bishop was empowered to refuse institution for actual physical incapacity or when the presentee had passed the age of 75. And what, Sir, must be the state of the law when new legislation is required to empower the Bishop to refuse institution to a man who is so infirm that when he is once down upon his knees he cannot rise from them, or to withhold from raving lunatics the privilege of consoling us upon our death-beds?

Let me say just one word upon the rights of congregations. As the Bill was originally drawn, it was proposed to give to Englishmen some shadow of the privileges which you have given to every congregation, upon the other side of the Tweed. The congregation was to have the right of challenging improper pre-

sentations, and the Bishop was bound to attend to their remonstrance, and to try the case himself, or send it for trial before the Ecclesiastical Judge. But the clause was narrowed down to this, that if the congregation remonstrated, they were no longer to be liable to prosecution for libel, and that was all. If incredible doctrines, if intolerable practices, were about to be thrust upon us in the person of the new presentee, were we to have any right to remonstrate then? No, Sir, not so much as a whisper. I am told that there are societies, the whole scope of whose operations consists in the purchase of advowsons over the heads of congregations, and the imposition of men of extreme views, who may think it their duty to startle us by gymnastic services, or the exhibition of some Evangelical extravaganza. There was not a word in the Bill which could save us from the machinations of men who club together, less, as it seems to me, for the propagation of the faith than for the propagation of faction. There was not a word in it which could trouble the calculations of those whose spiritual earnestness finds vent—I quote the words of a right rev. Prelate—"less in discovering the right man for the living than in discovering the right living for the man." This whole system of sale and barter, of commission agents and advertizements and auctioneers—this whole system of fraud and evasion—a system which is so shocking that one of the Bishops tells us—"it cuts, as it were, into the very reason for the existence of a Church at all," was to receive no sensible discouragement from the cobweb legislation to which my right hon. Friend was willing to lend his name.

Sir, I ask my right hon. Friend, and I ask the House, to take higher and firmer ground upon this question. It is a House filled with Churchmen, and with those who wish well to the Church. Believe me, it is in no spirit of narrow sectarian jealousy that I speak. I regard the legitimate influence of the Church as a great Christian and Christianizing community, as an object of higher national importance than the equality of creeds before the law; and I hold that it would have been better for the Church, better for religion, better for common morality, if you had left this traffic in the dark, rather than that you should have poured this flood of light upon it,

Mr. Leatham

and then refuse to grapple with the facts. Why, Sir, if this traffic were carried on with the ordinary purposes of commerce, there is no merchant or manufacturer in this House who would not scout a trade besmirched all over by fraudulent evasion of the law. If it were a mere municipal appointment which was bought, you would send the man who bought it to prison. If it were a mere civil or military appointment, what should we think of the nation which bought its honour to the hammer, and flung its fame and safety upon the market? But what ought to be our consternation, when we remember that the object of all this fraudulent barter is a responsibility the most solemn which can devolve upon any man; that these spectators are huckstering with the most awful names upon their lips, and that when the bargain is complete, with their hands stained and their consciences seared by fraud, they are commissioned with the full authority of the Realm to take charge of the spiritual interests of the nation? Sir, I well remember the speech which a right hon. gentleman, now a noble Lord, Lord Selborne, once delivered in this House in defence of the Established Church. I remember that he closed it by a quotation noble and eloquent as the speech itself. He spoke of "the spiritual fabric of the Church" as "by the hands of wisdom reared, in beauty of holiness." I remember the cheers which greeted those words; and it is because in great measure I sympathize with them, that I claim from those who raised them a corresponding sympathy with the object of this Motion. If it be true that your Church is "reared in holiness and beauty," then, for very shame, if for no higher motive, I ask you to condemn and to arrest the practices of those who, in the words of an older and greater poet,

"Do traffic in the sanctuary, whose walls
With miracles and martyrdoms were built."

The hon. Member concluded by moving his Resolution.

MR. HIBBERT, in seconding the Motion, said, he was sure that if the arguments urged in favour of it were fairly considered and attended to, they would be calculated to strengthen, rather than weaken the Church of England. The question had been dealt with on many occasions. Everyone seemed to be anxious to reform the present system

of the sale of livings, but they had not been able to come to one opinion. A Commission which was appointed in 1865 to consider this subject recommended that for the then existing state of the law there should be substituted a declaration against simony, and added an expression of their opinion that the law on the subject of simony required revision. In 1870 the right hon. Gentleman the present Home Secretary brought in a Bill which had for its object the abolition of the sale of next presentations, and though the Bill came to an untimely death, his right hon. Friend had done good service by bringing the question before the House. In 1874 the Bishop of Peterborough brought forward this question in a most able and eloquent speech in the House of Lords, and the speech which he made and the Report of the Committee which he obtained were much stronger than the Bill which he afterwards introduced. He (Mr. Hibbert) believed that the Bishop had a real and honest desire to deal with this question, and that a great advance would have been made if his recommendations had been carried into effect. As a Churchman he (Mr. Hibbert) was not disposed to think that they could abolish the sale of livings altogether. He was not satisfied that the abolition of the sale of advowsons was one which was desirable, until he could find a better Body to whom things might be transferred. It had been suggested that they should be transferred to some popular Body; but from his experience in the North of England, where some livings were left in the hands of popular Bodies, he had no desire to see them transferred in that manner. The abuses which had taken place where such a system existed showed that it was a very disadvantageous one. He did not think that they were prepared at the present time to go so far as to say that advowsons should be abolished, purchased, and transferred to some other Body. But if they could not go to that extent, they could go a great length in doing away with the abuses of the present system. The greatest scandal and abuse arose from the sale of next presentations, and no serious inroad on property would take place if the sale of next presentations were abolished. The law ought to be defined with more strictness. Parliament might prohibit the public sale of

this kind of property, and the congregation ought to be considered in the appointment of the minister. They knew that the congregation had a voice in Scotland, and though he should not think it would be advantageous that the congregation should have the entire selection, he thought that it was desirable that whenever a patron was appointed notice should be given to the congregation, and they should have time to make a representation to the Bishop if they objected to the man who was to be imposed upon them. The Home Secretary, when he introduced his Bill in 1870, said that the great majority of the clergy were in favour of the abolition of the sale of next presentations. The same might be said of the laity, and he (Mr. Hibbert) should like to know who was against it. He believed that there would be no difficulty in dealing with this question in a large and rational manner, and that the time had now come when it should be taken up by the Government. Though he seconded the Motion, he did not very much object to the Motion of the hon. Member for South-east Lancashire (Mr. Hardcastle).

Motion made, and Question proposed,

"That, in view of the prevalence of simoniacal evasions of the Law and other scandals and abuses in connection with the exercise and disposal of private patronage in the Church of England, remedial measures of a more stringent character than any recently introduced into this House are urgently required."—(Mr. Leatham.)

MR. HARDCASTLE rose to move as an Amendment—

"That it is desirable to adopt measures for preventing simoniacal evasion of the Law and checking abuses in the sale of livings in private patronage."

He admitted that there was no very material difference between the Amendment and the Resolution of the hon. Member for Huddersfield. It appeared, however, to him that it was undesirable in an abstract Resolution to refer to attempted legislation in this House, and that the Amendment which he proposed practically raised the whole question. It was in the direction of the measure introduced by the present Home Secretary in 1870 that he (Mr. Hardcastle) advocated reform, and it was much to be regretted that that measure had not passed into law. The abuses to which

the hon. Member had referred were abuses which were discreditable to the Church. No one could fail to admit the grievance and scandal of these sales; but he did not think that they presented any reason for disestablishing the Church. It was not very long since the power of appointing to seats in that House was matter of sale, and a Reform Bill for the Church of England would probably do as much good as the Reform Bill had done for the House of Commons.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable to adopt measures for preventing simoniacal evasion of the Law and checking abuses in the sale of livings in private patronage,"—(*Mr. Hardcastle*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ASSHETON CROSS said, he must claim the indulgence of the House for a few minutes; but he felt bound to say that in this case there was proof of abuse, and he hoped on whichever side of the House he might be sitting, he should never be found standing up for that which he believed to be an abuse. This was a matter with which he had endeavoured to deal by a Bill which he introduced as a private Member in 1870, and he did not desire to shrink from a single word he used on that occasion. In his mind, there was a considerable difference between the sale of advowsons and the sale of next presentations. He believed it would be to the great injury of the Church of England if private patronage were done away with. When a man had the right of presentation to a certain living—which, in his opinion, constituted one of the most important trusts which a man could exercise—that right was attached to certain property, and if he wanted to divest himself of that right, and to sell the advowson which gave it to him, he ought to be allowed to do so, but that he had no right to sell the next presentation which that right of advowson gave him. In his opinion, the taking of money for the sale of a next presentation was in the same category as the taking of money for giving a vote for a Member of that House. He could not see the distinction.

Mr. Hardcastle

If there was to be private patronage, somebody must hold the advowson. They could not say to a man that he should not sell the estate to which the advowson was attached, or that he should not sell the advowson separately from the estate. So far as the next presentation went, however, it was an entirely different thing. It was a right of presentation, and it was a trust, and he had no more right—indeed, he had much less right—to sell that trust for money to put into his own pocket than to sell his right to vote for a Member of that House. A good deal had been said about the Bishop of Peterborough's Bill, and the Committee of the House of Lords which sat upon this subject, but no attention had been drawn to the Resolutions which were almost unanimously passed by that Committee. He should like, therefore, very briefly to call the attention of the House to the recommendations of the Committee as to the direction in which legislation should go. In the first place, the Committee stated that they were of opinion that—

"All legislation affecting patronage should proceed upon the principle that such patronage partakes of the nature of a trust to be exercised for the spiritual benefit of the parishioners, and that whatever rights of property attached to Church patronage must always be regarded in reference to the application of that principle."

That was the great principle they all desired, and it was a sound basis to go upon. In the second place, the Committee recommended that—

"The exercise of the rights of patronage without due regard to the interests of the parishioners should, as far as possible, be restrained by law, and that the law should aim at preventing, as far as possible, the appointment of unfit persons."

In furtherance of these objects the Committee stated that it was desirable that publicity should be secured to all appointments of Church patronage. The Committee further went on to say, in which he quite agreed with them, that private patronage was of great value to the Church, and to strongly deprecate any alteration in the law which should take it away. These were the principles laid down in that Report. They enforced the point that the right of presentation was a trust to be exercised for the benefit of the parishioners at large, and not for the advantage of the holder's pocket. That was the principle of his own Bill,

and it was also the principle of a Bill on the subject introduced by the Marquess of Salisbury, when he sat in the House, and he hoped it was a principle which would be unanimously sanctioned by the House. He was quite aware of the practical difficulty of distinguishing between the sale of a next presentation and the sale of an advowson; but he did not think the difficulty was insuperable. In reference to the Motion before the House, he would appeal to them, if possible, to come to an unanimous vote; and he would suggest that the hon. Member for Huddersfield (Mr. Leatham) should accept the Amendment of his hon. Friend the Member for South-east Lancashire (Mr. Hardcastle), which practically led to the same conclusion as his own. If the hon. Gentleman was willing to do that, he (Mr. Cross) would support the Amendment, and he hoped the House would do the same.

MR. LEATHAM said, after the appeal of the right hon. Gentleman and the admirable and important speech which they had just heard from him, he felt it would not be right to divide the House, and he would accept the Amendment of his hon. Friend.

MR. RAIKES was unwilling to hear this Motion adopted without entering his protest against the arguments of his right hon. Friend the Home Secretary. He challenged the accuracy of the illustration of which his right hon. Friend had made use, in comparing the right of advowson to the right to vote for Members of that House. If that doctrine were applied to its full extent, it appeared to him that an owner would not have the right to lease the property which gave him the vote. The recommendations of the Committee of the other House, that the right of appointment should be considered as a trust, appeared to him to be begging the whole question. The point to be determined was not whether the right of presentation was a matter of trust, but a matter of property, a right, no doubt, to be governed and controlled in the interests of decency and propriety, but yet a right which was a matter of property.

MR. ASSHETON CROSS said, he never for a moment stated that the right was not in the nature of private property; but that it was property clothed with a trust, and a most sacred trust, to

be exercised not for the benefit of the individual, but the whole community.

MR. WHALLEY also entered his protest against the doctrine of the right hon. Gentleman, and complained of the practice of clergymen of the Church of England. Many of those men were abominable and atrocious sepoys, who were receiving the pay of the Church for protecting what was called Protestantism, while they were teaching other doctrines than those of the Church. He thought it desirable to go to the root of the evil, and that Parliament ought to take such measures as would get rid of the Established Church altogether, or apply such remedy to the evil as would be effectual.

MR. RAMSAY protested against the doctrines of the right hon. Gentleman and of the hon. Member for Chester (Mr. Raikes), and contended that the parishioners had a right to elect their own ministers.

MR. FAWCETT thought there ought to be no misunderstanding upon this important question. They could not come to an unanimous decision except upon one point—namely, that they condemned *in toto* the sale of a spiritual charge, as if it were a horse or a picture; but they could not agree that there was any difference between the sale of advowsons and next presentations. What they objected to was that there should be such things as sales of next presentations, and that people should be subject to the scandal of such outrages. No Bill which allowed the sale of advowsons would meet with the general assent of the House, or would be regarded as a settlement of the question.

Amendment and Motion, by leave, *withdrawn*.

CHURCH PATRONAGE (SALE OF LIVINGS).

Resolved, That it is desirable to adopt measures for preventing simoniacal evasion of the Law and checking abuses in the sale of livings in private patronage.

ILLEGITIMATE INTESTATES' ESTATES (ENGLAND)—UPCROFT'S CASE.

MOTION FOR A RETURN.

MR. COLMAN rose to call attention to the case of John Montagu Upcroft, an illegitimate, who died on 23rd of November, 1861, intestate; and to move for a Return of any allowances made out

of the estate, and of any other application for allowance which have been made, and not acceded to by the Treasury. This responsibility did not rest with the present Government, but was commenced long before it came into office, and therefore he was not laying any blame upon the Treasury, who were only carrying out the decision of their Predecessors. Briefly, the facts of the case were as follows:—The Government had received a large sum of money, a small portion of which had been returned to certain relatives of the reputed father, while the claims on the part of the relatives of the mother had not been acceded to. John Montagu Upcroft and Mary Upcroft, the former being an illegitimate son of the latter, died within three days of each other. The mother died possessed of £30,000, and the son of £160,000, so that the sum there was to deal with was much larger than that involved in the discussion that occupied the earlier portion of the evening. The important part of the question depended upon the date of the deaths. Mary Upcroft died on March 20th, 1861, and her son died on March 23rd of the same year. John Upcroft was too ill to make a will; but on his death-bed, he expressed a great desire to make a will, leaving his property to his mother's relatives. If the son had died only two or three days before the mother, then the sum would have come entirely to the mother's relatives, and the statement made to him (Mr. Colman), was that out of the large sum of £190,000, £20,000 had been granted to the relatives of the father, while the claims on the mother's side from relatives who were in very great want had been disregarded altogether. In cases of this kind it was usual to say the mother was less to blame; and here was a case in which the mother's relatives had received no sum at all, and he put it to the House and Treasury whether this was not a case calling for due consideration at the hands of the Government. The Secretary to the Treasury might reply that this matter was closed long ago, and the House had heard of claimants arising after an interval of 40 years; but, in this case, all the claimants were known, the facts were indisputable, the relatives on the mother's side were not denied, and there was no fear of cousins or relatives arising to put in a claim. In this case a will was

Mr. Colman

made in favour of the mother, and, but for an accident, the whole property would have gone to the mother or her relatives. He did not at that late hour wish to go into a long discussion; but he desired the House to believe that he had not drawn attention to the case hastily, and he had not alluded to the names in any way to give offence. The facts were very simple. The Treasury came into possession of nearly £200,000; and, while claimant's on the mother's side for a share of this were denied, claims on the other side with, he was bound to say, more influence, had been allowed.

SUPERANNUATION (MERCANTILE MARINE FUND OFFICERS) BILL.

Resolution '[June 25] reported, and agreed to—Bill ordered to be brought in by Mr. RAIKES, Mr. WILLIAM HENRY SMITH, and Sir CHARLES ADDERLEY.

Notice taken, that 40 Members were not present; House counted, and 49 Members not being present,

House adjourned at a quarter after
One o'clock

HOUSE OF COMMONS,

Wednesday, 27th June, 1877.

MINUTES.]—PUBLIC BILLS—Committee—Sale of Intoxicating Liquors on Sunday (Ireland) (re-comm.) [160], debate adjourned. Withdrawn—Game Laws (Scotland) Amendment (No. 2) * [92].

QUESTIONS.

POST OFFICE—TELEGRAPHIC COMMUNICATION (IRELAND).—QUESTION.

THE O'DONOGHUE asked the Postmaster General, Whether any and what steps have been taken to extend telegraphic communication between Ardfert and Ballyheigue, which is only six miles distant from Ardfert, is one of the most important Coast Guard stations in the South of Ireland, and where the want of telegraphic communication is often, in winter particularly, seriously felt?

LORD JOHN MANNERS: Sir, no steps have been taken to carry the telegraph to Ballyheigue, and as the estimated income falls very far short indeed of the expense that would be incurred, I fear I cannot hold out any hope of the communication desired being made at the public expense.

**THE MAGISTRACY (IRELAND)—
RESOLUTION. QUESTION.**

MR. W. JOHNSTON asked the honourable Member for Cavan, If he will state to the House the terms of the Resolution respecting the Irish Magistracy which he has given Notice of his intention to move on the 17th of July?

MR. FAY: Sir, the terms of it are—That, in order to secure greater confidence in the administration of justice in Ireland, some regard should be had to the appointment of magistrates, and no member of the Orange Society should be appointed.

**PARLIAMENT—ORDER OF BUSINESS.
QUESTIONS.**

MR. W. E. FORSTER asked, What Business Her Majesty's Government proposed to take to-morrow; whether they would take the Army Estimates; and when they would bring on the Education Estimates; and, also, whether any date was fixed for taking the second reading of the South African Bill?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he must remind the right hon. Gentleman of the fact that the Government were not entirely masters of the time of the House. They had hoped, on Monday last, to make some progress with the Army Estimates, but only one Vote was agreed to. If those Estimates had been disposed of, the Government would have been able to take the South African Bill to-morrow. As it was now very near the end of the quarter, and as it was absolutely necessary to have Supply, the Army Estimates would be taken to-morrow, and also, he expected, a Civil Service Vote on Account. Probably, the Education Estimates would be taken on Monday; but he would be better able to say after seeing the progress made to-morrow. At present he was unable to name a day for the South African Bill. In

any case, it would not be taken to-morrow.

MR. COGAN asked, When the Irish Education Vote would come before the House?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that at that moment he could not say, but would reply to-morrow to the Question.

MR. E. JENKINS asked, Whether, when the South African Bill was brought in, it would be the First Order of the Day?

THE CHANCELLOR OF THE EXCHEQUER: If not the First Order, it will have a prominent place on the Paper.

ORDERS OF THE DAY.

**SALE OF INTOXICATING LIQUORS ON
SUNDAY (IRELAND) (re-committed)
BILL.—[BILL 160.]**

(*Mr. Richard Smyth, The O'Connor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Dease, Mr. Dickson, Mr. Redmond.*)

COMMITTEE ON RE-COMMITMENT.

Motion made, and Question proposed,

"That the first six Orders of the Day be postponed till after the Order for Committee on the Sale of Intoxicating Liquors on Sunday (Ireland) (re-committed) Bill."—(*Mr. Chancellor of the Exchequer.*)

MR. CALLAN said, that during his eight years' experience that was the first occasion on which the Leader of that House had come down on Wednesday, on behalf of the Government, and had made a Motion, the effect of which was to deprive private Members of their right to suspend and pass over certain Orders, that a particular Bill might be proceeded with. He (Mr. Callan) was sure that the Chancellor of the Exchequer, remarkable as he was for the consideration he showed for the rights of private Members, must have had some very heavy force behind him from a certain section of hon. Members before he made the Motion he had just submitted. On seeing that the Permissive Bill had dropped, he (Mr. Callan) thought he also saw a chance of bringing on a Bill which he had upon the Orders for that day, and he had left Ireland last night on the chance of being able to get through the Summary Jurisdiction (Ire-

land) Bill, which, to his mind, was a measure of far greater importance than the Bill to which so exceptional a favour had been extended. It was well known that grave dissatisfaction had existed in Ireland for many years as to the constitution of the magistracy of that country, and still greater dissatisfaction had been expressed as to the unlimited powers that had been conferred upon them by the Habitual Criminals Act, which was passed in the year 1870 and 1871, and which was renewed under the title of the Prevention of Crimes Act, and that, too, without discussion at a late period of the Session, but not without a protest from one whom he might term the Nestor of the House—he alluded to the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). The Bill which he had put upon the Table of the House, the Summary Jurisdiction Bill, was of so essential a character that he had hoped it might be allowed to pass without division, in which case his objection to proceeding with the Sunday Closing Bill would, as far as he was concerned, have been overcome. He should be glad if the right hon. Gentleman the Chancellor of the Exchequer would so far modify his proposal as to enable that Bill to be taken, or he (Mr. Callan) would move, as an Amendment to the Motion before the House, that the Permissive Prohibitory Liquor Bill and the Game Laws (Scotland) Bill, which stood first on the Order Book, be both passed over in favour of the Summary Jurisdiction (Ireland) Bill; and when that was passed, as he was sure it would be, if it could be brought on without a division, he should not oppose too strongly the proposal to proceed with the Sunday Closing Bill. So important was the Summary Jurisdiction Bill believed to be that the right hon. and learned Attorney General for Ireland had allowed it to pass a second reading without a division.

MR. SPEAKER said, the hon. Member was infringing the Rule of the House, which prevented the discussion of measures that were not before the House.

MR. CALLAN said, although he had consulted the book of Sir Erskine May, he did not exactly know how far he might go in stating reasons why the Motion of the right hon. Gentleman should not be acceded to, and why so

exceptional a proposal in favour of the Sunday Closing Bill should be rejected. The only reason he could imagine why such a proposal should be made was the tendency that had been so noticeable in favour of passing coercive measures, restricting the liberty of the people, and effecting in a manner peculiarly offensive to them class legislation. ["Oh, oh!"] He repeated the words "class legislation." [Cries of "Order!"] If the hon. Member for Dundee (Mr. E. Jenkins) had a point of Order to raise, he might do so now. He (Mr. Callan) was not aware that he was out of Order, as he had endeavoured to keep strictly within proper limits since the Speaker had intimated his opinion. The Sunday Closing Bill, coming as it did from the North of Ireland, where there was a Sabbatarian tendency such as was found in some Scotch Sabbatarian constituencies, might not appear to the hon. Member for Dundee to be of a coercive character; but he (Mr. Callan) asserted that that House had always received with exceptional favour measures of a coercive tendency that were to be applied to the people of Ireland, and that class legislation of this character was always welcomed in that Assembly with open arms. As he was prohibited from discussing the merits of his own Bill, he could only say that the House ought to be very slow to sanction such a proceeding as that of the Government in coming down to the House of Commons on a Wednesday and proposing to deprive private Members of their privileges. Her Majesty's Government complained of obstruction on other evenings in the week by certain hon. Members who sat on that side of the House; but he asserted that the obstruction the Government had offered that day to private Members was quite as irritating and annoying as any obstruction that had been put in the way of Government measures during the present Session. He should offer his most strenuous opposition to the Motion, and though he was not often inclined to divide the House, he certainly should divide it on this occasion.

MR. O'SULLIVAN supported the opposition of the hon. Member for Dundalk (Mr. Callan). He thought it too much that the Government should come down to the House and propose to take the only day private Members had for

Mr. Callan

bringing forward their Bills. If that were to be allowed to pass over quietly, and if the Government were to be allowed to appropriate that particular day, why should they not propose to appropriate every other Wednesday during the rest of the Session? They would have as much right to do one as the other. He held that the Bill in favour of which that course was resorted to was a most inappropriate measure to hurry through the House that could well be conceived. He remembered that a Coercion Bill for Ireland had been passed in that House in a single day, and let hon. Members disguise the fact as they would, the measure they were asked to proceed that day with was a coercive measure. It was a Bill to deprive the people of their liberties and privileges. It was a class Bill, promoted by a small minority, for the purpose of depriving the large majority of the Irish people of their rights. He held, therefore, that it was wrong on the part of Her Majesty's Government to propose to suspend the Orders of the Day in order to pass this piece of special legislation. He hoped the House would mark its sense of what was proposed by disapproving of the action of the Government; and, for his part, he was determined to take a division on the Motion in order to test the feeling of the House.

MR. ONSLOW said, he also protested against the action of the Government in the matter. He did not think they had exercised a wise discretion in taking the course they had. The Summary Jurisdiction Bill would, if passed, be a far more useful measure to the people of Ireland than the obnoxious Sale of Intoxicating Liquors on Sunday Bill would be. The Bill, he believed, would be strenuously opposed, and he was glad of it. Indeed, he looked upon it as a Bill which would set a bad precedent with reference to England, and he would oppose it in every possible way.

MR. COGAN said, the hon. Member for Limerick (Mr. O'Sullivan) was under a slight mistake. Her Majesty's Government had not sought to appropriate that day at all. The fact was, that the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had in reality possession of that Wednesday, which it was well known would have been entirely occupied by his Permissive Bill,

if he had persisted with it; but the hon. Baronet had given up his right in order that the Bill of the hon. Member for Londonderry might come on, as he felt that it was more likely to be brought to a successful issue than his own, inasmuch as it was a measure demanded by the great majority of the Irish people. ["No, no!"] If they came to a division on it, it would be seen by the votes of the Irish Members who were supposed to represent the majority of the Irish people, whether he was not perfectly accurate in that statement. It was not correct to say that the Government had interfered with the rights of private Members, the simple fact being that one private Member had given up his right to another private Member, Her Majesty's Government having sanctioned the arrangement.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman who had just spoken (Mr. Cogan) had most correctly represented the state of affairs and the position assumed by Her Majesty's Government. At the same time, he was bound to admit that the proceeding was one that was not of a usual character. It was, however, one that had been adopted under somewhat unusual circumstances. An appeal had been made to Her Majesty's Government, for reasons into which he need not enter, to appoint a day on which the Sunday Closing Bill might be discussed. It appeared to the Government that it was reasonable that they should ask some assistance from private Members, Her Majesty's Government being willing to appropriate one day, if another could be found, and the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), upon a suggestion thrown out by him (the Chancellor of the Exchequer), having volunteered to waive his right to discuss the Permissive Prohibitory Liquor Bill. Anyone who had watched the proceedings on that Bill must be aware that a discussion on its second reading would occupy the whole of the working hours of the day, and, consequently, that no other Bill—unless it were of a very formal character, such, perhaps, as that of the hon. Member for Dundalk (Mr. Callan), and could be rapidly proceeded with—could have a chance of coming on. Under these circumstances the hon. Baronet the Member for Carlisle having agreed that such

a step might be taken, he (the Chancellor of the Exchequer) had proposed, on behalf of the Government, the course which alone would have induced the hon. Baronet to give way. He did not suppose that the hon. Baronet would have been induced to waive his right to proceed with the Permissive Bill for the sake of making way for the Summary Jurisdiction (Ireland) Bill. The hon. Baronet was under the impression, which might or might not be correct, that the Sunday Closing Bill was one of great interest to a large majority of hon. Members from Ireland; and it was on these grounds that the Government had agreed to make an exception to the usual course—an exception which was not out of Order, but was unusual—for the purpose of giving hon. Members an opportunity of discussing the Sunday Closing Bill. He hoped that the House would consent to the Motion he had made, especially under the circumstances he had stated.

MR. NEWDEGATE said, it might be necessary that this proceeding should be taken, but the decision on the whole question rested with the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). The House would like to hear from the hon. Baronet whether he approved of the arrangement that had been mentioned.

SIR WILFRID LAWSON said, he was sorry to be obliged to take up a moment of the valuable time of the House by joining in a frivolous debate like this, the only object of which was to delay the Bill it was proposed to proceed with. But, in reply to the hon. Gentleman opposite (Mr. Newdegate), he could only say that the Chancellor of the Exchequer had just now correctly stated the position of affairs, and he was greatly obliged to the right hon. Gentleman for the Motion he had made. He had given up his Bill for the sake of facilitating the Irish Bill; and he hoped the House would not spend its time in idle preliminary talk, but would at once and in a business-like manner accept the Motion of the right hon. Gentleman.

MR. GOLDSMID was opposed to both the Bills that had been referred to, and he wished to point out that three very unusual things had been done on that occasion. In the first place, they had the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who had

always evinced intense anxiety to bring forward the permissive question in which he was so deeply interested, waiving his right obtained in a *Balot* that had taken place in the early part of the Session to discuss his Bill. Then they had the Leader of the Government coming down on a Wednesday before the Government had appropriated the rest of the Wednesdays to their own Business, and taking the unusual course of moving that the other Orders of the Day be postponed in order that a Bill low down on the list should be taken out of its course. If it were only on that account he should say, as one who valued the privileges of private Members, that this was a most objectionable proceeding. It might be taken hereafter as a precedent. ["No, no!"] It was all very well to say that it would not be construed into a precedent. The same statement was always made on similar occasions; but the result was, that the precedent was followed as soon afterwards as the occasion for it arose. In the third place, they had this unusual state of things. They found the Government, which he believed really agreed with him (Mr. Goldsmid) in objecting to the Sunday Closing Bill, asking the House to do a thing that was irregular, in order that the Bill to which they objected might be taken as the First Order on a private Member's day. He would put it to the Speaker, whether he had ever, in his long experience, known such an extraordinary combination of irregularities in one proceeding before that House? He thought that the House ought to pause before adopting such a proposal as that now before it, not only because it was an infringement on the rights of private Members, but because it would set an example of such an evil character that he did not see how far they might not be called upon hereafter to hand over the conduct of private Members' Business to Her Majesty's Government. If the House were wise it would not accede to the Motion, to which he objected, though he was equally opposed to the Bill, which would be taken if it were not assented to, and to that which would be discussed if it were adopted.

MR. WHEELHOUSE viewed the proposal now made as one of the most extraordinary he had ever heard in that House. The position in which he was placed was

this—that but for this Motion he might have had an opportunity of opposing another Bill which was set down as the First Order; and had that opportunity been given to him, the chances were that the Bill for which precedence was asked, and which he apprehended was even more objectionable than the Permissive Bill, would not have been brought forward that day, and probably not during the rest of the Session. Like the hon. Member for Rochester (Mr. Goldsmid), he regarded both these Bills as being about as objectionable as could be, and for this reason—both of them, under the guise of doing some good to somebody, proposed to interfere with the domestic habits and rights of the people at large. He did not care one straw whether the proposed interference was with the English or the Irish people. What he said was, that at any rate they ought not to be giving up to one hon. Member, who had a highly objectionable Bill on the Paper, a day that was set apart for the consideration of another Bill, although that was almost equally objectionable. These being his views, he must go into the Lobby with those who objected to the Motion.

MR. M'CARTHY DOWNING feared it would only be a waste of time if the Motion were carried, because he was well aware it was not the intention of the Government or those who were opposed to the Sunday Closing Bill that the question of going into Committee should be brought to a division. It was quite clear that the course intended to be taken was to talk the Bill out, and the only result of their proceedings that day would be a waste of the public time. If the right hon. Gentleman the Chief Secretary for Ireland would get up and say he was determined to give every facility for the purpose of getting the Bill into and through Committee, it might possibly be arranged; but as they all knew that the Bill was to be talked out, it was mere waste of time to attempt to do anything of a practical nature.

SIR MICHAEL HICKS-BEACH, in reply to the challenge of the hon. and learned Member for Cork, said, it was his earnest wish and desire that the House should go into Committee on the Bill and discuss the clauses, so as, if possible, to arrive at a settlement of the question.

MR. MACARTNEY said, the only difficulty generally had been that the hon. and learned Gentleman the Member for Cork County (Mr. Downing) did not imagine that the Government would give facilities for the passing of the Irish Bill if the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) gave up his right as to the Permissive Bill; but now the Government had announced that they would afford these facilities he could not understand the course that was being taken, especially by hon. Members coming from Ireland.

MAJOR O'GORMAN said, the Government was never tired of passing coercive measures for Ireland, and when they could not find a coercive measure to bring in themselves, they invited private Members to bring them forward; and not only did they do this, but they deprived private Members of their right to bring in Bills, in order that other private Members might introduce coercive measures. That course of procedure was one which ought to be objected to by the House.

Question put.

The House *divided*:—Ayes 99; Noes 23: Majority 76.—(Div. List, No. 196.)

Order for Committee read.

MR. RICHARD SMYTH said, that after the statement which had just been made by the hon. and learned Member for Cork County (Mr. Downing), it would be very injudicious on his (Mr. Smyth's) part if he occupied the time of the House, as his hon. and learned Friend had expressed what was said to be the intention of a section of hon. Members in that House. He (Mr. Smyth) would not contribute to that result; but would simply thank the hon. Member for Carlisle for making a way for the Bill, and also thank the right hon. Gentleman the Chancellor of the Exchequer for making the Motion which had given effect to his hon. Friend's intention. The principle of his Bill was so well known to the House and the country that he would do no more than move that the House resolve itself into Committee upon it.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Richard Smyth.*)

MR. MURPHY rose to move, as an Amendment—

“That, in the opinion of this House, it is not expedient that the provisions of this Bill should be extended to the whole of Ireland.”

The hon. Gentleman said: Sir, in rising to propose the Resolution which appears in my name on the Paper, I have to ask the attention of hon. Members, while I proceed to lay before them the real position in which this question now stands; and, at the same time, afford them and the country the benefit of information which a late inquiry has, for the first time, brought to light. If I mistake not, this information will enable them to arrive at a conclusion precisely the reverse of that which this House has been induced to come to, on the second reading—a conclusion brought about, as I believe, by an undue and perhaps unconscious assumption of a state of facts which does not exist, and by the creation of an artificial so-called public opinion produced, in the main, by the persevering operations of a well-organized and active Association or Confederacy. Sir, that Confederacy has hitherto had an enormous advantage in its favour, in the generally accepted idea of the prevalence of wide-spread intemperance in Ireland, and particularly on Sundays. In fact, this idea has been a principal reason for the existence of the Confederacy, and I need scarcely say that its active agents have availed themselves of the advantage to the utmost of their power. What have they done? They come down to this House, and without even attempting to prove the fact, they broadly assert that wholesale intemperance prevails throughout the land, that the country is a nation of drunkards, and that the total closing of public-houses on Sundays will eradicate the vice; and they follow up these two false premises by roundly asserting that the people of Ireland are unanimously in favour of the measure. Give me leave to ask—Would they dare to propose such a measure to the people of England; would it not be scouted if they did; and can they for a moment suppose that they will be permitted to thrust down the throat of the people of Ireland an enactment which would not be received by Englishmen, and which would logically and necessarily give the imprimatur of Legislative authority to their patriotic

proclamation, that Ireland is a nation of intemperates? Now, Sir, I think it would be convenient to the House, if I put them in possession, shortly, of the history of this question, and asking for their indulgence as I do, I venture to hope that I shall not abuse it. It is now just 10 years since a Bill somewhat of this nature was introduced. A similar Bill was introduced at the same time for England, by the late Mr. Abel Smith, and both Bills stood on the Paper for second reading on the same evening, the English Bill being first. I came into the House about half-past 12 on that night, and, to my astonishment, found that the Member in charge of the Irish Bill (my hon. and gallant Friend the Member for Langford) had moved the second reading, the English Bill having been postponed. I, however, gave Notice that I would oppose the Order for going into Committee; and I accordingly did so, and moved that it should be referred to a Select Committee, and carried my Motion on a division. It was then too late in the Session to proceed further, and in the following year I urged that a similar Bill should be read a second time on the understanding that it should be referred to a Select Committee, and that the Licensing Laws should form part of the inquiry. A similar course was adopted with regard to the English Bill. Both Bills were accordingly referred, and both Committees reported against them. The Report on the Irish Bill was unanimously against total Sunday closing, and a limitation of the hours was suggested—namely, that 9 o'clock P.M., in towns of over 5,000 inhabitants, and 7 o'clock P.M., in towns under that number, should for the future be the closing time on Sundays. In the year 1869 or 1870, a Bill was again brought in by the hon. and gallant Member for Langford, and I think a Bill also by Sir Dominic Corrigan; but finally, in 1872, the Act which now regulates the question of closing was brought in and passed by the Government of the day both for England and Ireland, and the precise hours recommended by the Select Committee on the Irish Bill for Closing on Sundays were adopted for Ireland. Perhaps I may mention that the late venerated Archbishop Leahy was one of the witnesses examined before the Committee—

and it is needless to say that he was a strong advocate for Sunday closing—but although they were put in full possession by him of the nature and effects of the voluntary system adopted by his advice and influence throughout his diocese, the Committee were unanimously of opinion that a restrictive and compulsory legislative enactment would not attain the same results; and it is to be noted that one half the Committee had voted in favour of the Bill. Well, Sir, on the passing of the Act of 1872, it was naturally thought that there was a settlement of the question; and so, indeed, it has proved so far as England is concerned. But very soon afterwards it appeared that the United Kingdom Alliance was formed, with a capital of £250,000, for advocating the Permissive Bill, and as stated by some, the ultimate suppression of the liquor traffic. They did not attempt to revive the question of Sunday closing in England directly, or at least actively; they knew that the feelings and habits of the people would revolt against it, but they willingly lent their co-operation and sympathy to the Sunday Closing Alliance in Ireland, judging, perhaps, that as regards their ultimate operations in England, the *experimentum in corpore cili* might be successfully tried on in Ireland; and hence, no doubt, the result of this holy alliance has been the agitation in that country and the production of the Bill now before the House. In favour of this Bill there is no demonstration made by the masses. They are contented with the settlement of 1872. They do not complain that they are demoralized, intemperate, and incapable of self-restraint, owing to the operation of the present liquor laws. Yet this Association, assuming to be the representatives of benevolence and humanity, with a large, well-paid, and methodized Staff, sit down in their central bureau, take the Ordnance map, divide the country into portions, and send out their agents to canvass for signatures in favour of the Bill. They establish themselves in every town, they prepare forms of Petition against Sunday opening as a cause of intemperance, which are readily signed by Boards of Guardians and other local bodies. But, Sir, they go further. They procure by private canvass, and by means best known to themselves, the signatures

of electors in various localities to a form of requisition or remonstrance addressed to their representatives in this House in favour of the measure. Those requisitions, which are not adopted at public meetings, are sent from a central association in Dublin to hon. Members of this House by the secretary, with a letter couched in polite and affable terms, as if it emanated from their constituents, and requesting that due attention be paid to it, and its prayer supported. Must not every hon. Member receiving such a communication feel surprised and indignant at such a course? I question very much if such a course of conduct might not be considered an infringement of the privileges of this House, as it is plainly pursued with the object of compelling hon. Members to vote in a particular manner. I find that in 1874 the advocates of this Sunday-closing movement sent round a paper stating that the House of Commons divided, and that there were 42 Irish Members in favour of Sunday closing; but on looking at the Division List I found there were only 29. When the promoters of this Bill say that the unanimous consent of the people of Ireland—the preponderating opinion of all classes—is in favour of it, I deny altogether the accuracy of their statement. They have endeavoured to impose on the House by signatures to Petitions obtained God knows how. There is one class of persons specially interested in this measure. They do not ask for it. Is it right for others to legislate for them against their will? The promoters of this Bill are bound to prove that there is such an amount of intemperance in Ireland as to make legislative interference necessary. No one can say that interference would be improper to prevent a man from injuring himself or his neighbour; but to measure the amount a man is to drink when he is not injuring his neighbour or himself is an unjustifiable interference with personal liberty. I do not deny that the advocates of the measure are influenced by good motives; but I cannot conceal from myself the suspicion that selfishness enters largely into the calculations of many of the instruments in the movement. I think the promoters of the movement are bound to prove that there exists such an amount of intemperance in Ireland on Sunday as will justify Parliament in stepping in to close the public-houses on that day.

But that is not all. They are bound to show a remedy. They are also bound to prove that the closing of public-houses on Sundays would get rid of this intemperance. Again, they are bound to show that the class for whose benefit this measure is asked desire it. The statements of the promoters of the Bill are untrue; and, if true, the proposed remedy would be inefficacious. The promoters of this Bill come here with the broad assertion that such an amount of intemperance exists on Sundays as renders this day a day of scandal, of disorder, of insubordination, and of riot, and they therefore assert that the Legislature is bound to interfere and put a stop to such a state of things. But it is a fact that they have never taken the trouble even to prove their assumption. They seem to think there is no occasion to prove it, and they ask everyone who is against intemperance to back up their opinions without subjecting them to the light of facts. Since this agitation commenced, a Select Committee, which the right hon. Baronet the Chief Secretary for Ireland moved for on the occasion of the second reading of this Bill, has been appointed, with limited powers, restricting the inquiry to five large towns specified by the Chief Secretary. I objected to the nature of that Committee. I think I used the words, that I objected to a fragmentary inquiry. If there was to be an inquiry, I said, let it be into the whole subject, and do not limit it to five towns, because it affects every urban population, more or less, and it equally affects every populous place, and on principle I cannot see why, if you are to have an inquiry at all, and if you are to upset the Report of the Select Committee of 1868, you are to restrict that inquiry to five towns. Of course, there was no use in my doing anything further than saying that, as the Government proposed that the Committee should confine its inquiries to Dublin, Cork, Limerick, Belfast, and Waterford. There was no help for it. The Select Committee was appointed, and they went to work. Now, up to that time, there never was any inquiry made into the truth of the assertion as to the positive amount of intemperance in any one district in Ireland on Sundays. No statistics were ever produced in this House showing whether the broad grounds on which the proposers of this Bill come to Parliament

are in fact true or not; but now I have before me in figures the result of the inquiry which took place before the Select Committee. I crave the House most earnestly to give me their attention while I state what I have not the slightest hesitation in saying will, after all the exaggerations that have been made, and all the settled and quasi-settled opinions which have been brought forward as to the amount of drunkenness existing on Sundays, put the matter in a different light, and I will only quote the figures furnished by officials whose duty it is to take account of what is passing in Ireland. I will take Belfast, with a population of 210,000. I have a Return here for the eight years from 1869 to 1876, showing the total number of arrests for drunkenness in each year, distinguishing Sundays from the other days of the week. The average number of arrests in Belfast for each of the eight years is very similar. In 1869 it was 9,239; in 1870, 8,776; in 1874, 7,014; in 1876, 7,192; but the average of the eight years shows the number of arrests per year to be 7,962. That would give a daily average of about 22 persons arrested for drunkenness in Belfast. Now we come to the Sunday, the most drunken day, it is said, in the week; the one in which the artisans and labourers have the greatest leisure; the one that has been paraded as such a monstrous excrescence in Ireland, that the Legislature is called upon in God's name to interfere to try and put a stop to the present state of things. Well, what does the House think was the number of arrests on Sundays? It was 476 for the whole year 1869, 439 for the next year, then 399, then 418, then 464, next 376, next 445, and 422 in the last year. There is a series of eight years taken, and it is found that the average number of arrests per Sunday in Belfast is only eight, as against a daily average of 22 for the whole year. I really do not know how it is that the promoters of this Bill come down to this House, and ask us to pass an Act for closing all public-houses in Ireland on Sundays, when the statistics and official Returns produced by witnesses above suspicion show that not only is there not an excessive amount of intemperance on Sundays, but that it is the day above all others in which there is the least amount of drunkenness. Next I come to Dublin, with a popula-

Mr. Murphy

tion of 337,000. The number of arrests last year was 12,702, giving an average of 32 per day for the whole year. An enumeration was taken and laid before the Select Committee by the authorities in Dublin, showing the number of persons arrested on Saturdays, on Sundays, and on Thursdays during the months of November, December, and January last. The number appearing to have been arrested on Saturday was 919; on Thursday, which was selected as an intermediate day in the week, it was 453; and on Sunday it was 308, or one-third of the number arrested on Saturdays, and 50 per cent less than the arrests on Thursdays. Now, taking those three months as a guide for the year, the average per day for Saturdays was 70, for Thursdays 34, and for Sundays only 23. If statistics are right, if official information is right, if facts are all that is wanted to enable this House to form a judgment, where can you go further than you have done in this direction, and what justification do these Returns show for the promoters of this Bill to come down to this House and reiterate the broad declaration that Sunday in Ireland is a day of intemperance, disorder, and riot? With what face can these hon. Gentlemen come into this House, after these statistics, and ask this House to stultify itself, the facts and figures showing the very opposite of their contention? Now, I will turn to the city of Cork. That city has a population of 80,000 inhabitants. Everybody who knows anything of Cork knows that it has a large migratory population, and that it is a garrison town with a considerable military force. There is not a day in the week that sailors do not arrive there and depart; not a week that emigrants do not come into Cork and embark for America, or land in Cork on their return to this country. It is a thoroughfare between the Old and the New Worlds; so that, independently of its 80,000 inhabitants, it has a large migratory population; and a population of that class which, more than any other, would be likely to come under the supervision of the police. Well, what is the Return for Cork? The resident magistrate, Mr. Macleod, who was examined before the Select Committee, produced a Return for a period before the passing of the Licensing Act of 1872, and a Return for a period subsequent to the passing of that Act. He gave the total

number of arrests on Saturdays and Sundays for each of three years, which, with the permission of the House, I will read. The total number of arrests on Saturdays in 1870 was 546; in 1871, 503; and in the next year 463. I beg the House to mark these figures. When I contrast them with the Sunday arrests, what do I find? Whereas in the year in which 546 were arrested on Saturdays, the arrests on Sundays were 272. In the next year, when there were 503 arrests on Saturdays, there were only 256 on Sundays; and the 463 in the following year contrasted with 231 on Sundays, giving an average of the three years of about five persons arrested each Sunday in the three years for drunkenness. For 1874, 1875, and 1876, years in which there was a greater amount of supervision by the police under the new licensing law, we have a further Return, and although that Return shows an increase in the number of arrests on Saturdays, yet no palpable increase is shown in the number of arrests on Sundays, except in one year. In 1874 there were 625 persons arrested on Saturdays, while the arrests on Sundays were 227. In 1875 there were 630 on Saturdays, and 283 on Sundays; but in 1876 there was an increase in the arrests on both days, the number being 830 and 370 respectively. A special reason is given in the evidence before the Committee for that increase, and it is only right I should mention it to the House. It appears that last year a section of the Roman Catholic clergymen in a certain district of Cork, which was not the most reputable portion of the city, felt it their duty to use every possible effort for the purpose of eradicating certain dens of infamy existing within that district. The measures they took were such as only the Catholic clergy of Ireland could use, and their efforts were successful in clearing out those places. But one consequence of this was, that the unfortunate inmates being deprived of any other place to go to crowded the worst class of public-houses, and so swelled the amount of drunkenness and the number of arrests. The resident magistrate has furnished us with a summary also for the five years, including 1876, of the total number of arrests on Saturdays, Sundays, and Thursdays. The number of arrests on Saturdays for the five years was 3,281, on Thursdays 1,672, and on Sundays

1,411. That is, as he summarizes the Returns in his own words, "five arrests on Sunday against six on Thursday, and as against 12 on Saturday." Now again I ask, what justification have the promoters of this measure to come down to this House at all? Where is the case which it was presumed they had made? Where is this widespread intemperance on the Sunday? What right have they to come to this House and, upon a general assumption of insobriety and disorder, ask for a measure to put a stop to that which upon inquiry it is found does not exist? And, Sir, I am by no means surprised at the desperate attempts which have been made by the promoters of this measure to hurry it through the House, to carry it "at a run," as they call it, after what must inevitably take place in Ireland now that these Returns have been published. What has taken place in my own town? I have personally been told, when last I was in Cork, and by the letters I have received from men who were notorious advocates for Sunday closing—men who have again and again asked me why I am opposing this Bill—men who signed Petitions in favour of it, they have come to me and said—"Oh, Mr. Murphy, we have read the evidence given before the Committee, and it seems there is no reason for this Bill at all. We believe it is a tyrannical measure, and that the masses who are not given to intemperance will justly resent it if it is passed." A very respectable gentleman said to me—"If this measure passes a brooding discontent will rise up amongst those who are respectable, who have never drank to excess, and who do not want a stigma cast upon them. These men will find themselves injured, and will look upon themselves as Pariahs, and no one will be able to tell what may arise from the feelings of discontent which it will engender." I will now pass on to some facts and figures relating to Limerick, which will show the real state of existing affairs, and make the House wonder that any body of Gentlemen can come down to the House to ask for a measure upon assurances disproved by official witnesses. The population of Limerick is 39,000, and from official Returns I find the total number of arrests during the year 1875 was 3,235, and in 1876 the number was very similar, 3,262. This will give an average of nine persons arrested per

diem for intemperance. On Sundays I find that in 1875 the number of arrests was 307, or an average of six against an average of nine; in 1876, the Sunday arrests were 279. These are not exceptional years, but the fair average, and being drawn from official evidence, afford a good ground for judging of the habits of the people, so far as can be officially done. Does that show Sunday to be a day of exceptional intemperance? Does that show, in the judgment of this House, that, so far as Limerick is concerned, there is any necessity for stringent legislative enactment? Does that show there was any ground for interfering with the settled habits, tastes, and opinions of the people? Does that show that this House has any need to step in, and on Sunday, the only day in the week when the people have an opportunity to meet together to chat over family or other matters, to say to 'them—"This is the day on which you shall have all the public-houses closed?" I say that the good sense of the House ought to feel insulted and, as it were, befooled, if now that the general allegation which has hitherto been made, and which has for the first time been disproved, is not withdrawn, and if we are still asked to pass this measure, which it has been shown is not applicable to the country, and will, if passed, cast an undeserved stigma upon the people of Ireland. Now I come to Waterford. In Waterford there is a population of, I think, 29,000. The official Returns of arrests given for 1876 show that they numbered 1,459, or a daily average of four persons. I happen to have, in this case, a very curious Return of the number of arrests for every day in the week. On Mondays there were 268 arrests, on Tuesdays 219, on Wednesdays 172, on Thursdays 162, on Fridays 169, on Saturdays 335—just double—and on Sundays 134. This shows an average of arrests on Sundays of $2\frac{1}{4}$, as against an average daily arrest of 4, and as against an average of 8 on Saturdays. I cannot, again, help expressing my surprise that with these facts and figures at hand, and with more of the same kind in the possession of the Association, hon. Gentlemen promoting the measure can come to the House and say—"The Sunday in Ireland is a most drunken, disorderly day, and we ask the House to interfere for God's sake, and throw its legislative segis over us for

Mr. Murphy

protection against this terrible vice of drunkenness." I cannot but feel indignant that in the face of inexorable facts such a call should be made. Having given the daily number of arrests in the five towns, and brought out the proportion for each day, showing how much less drunkenness there is on Sundays than on any other day, I will now give a succinct summary of the aggregate Returns for the eight years. The total population of the five towns is 691,000, the yearly arrests were 28,515, giving an average of 79 persons per diem; while the arrests on Sundays were 2,453, giving the proportion per diem of Sunday arrests as $46\frac{1}{2}$ or 47, as against 79 for the other days of the week. Again, Sir, I ask how is it possible to justify the charges which have been brought against the Irish people, and the people of those five towns in particular, in the face of these Returns? But, Sir, independently of these Returns we have other Returns of an interesting character to which I now desire to call the attention of the House. These Returns give us the total number of arrests in Ireland in the year 1876, as well as the total number of arrests upon Sunday in the same year, and it is curious to observe how those amounts approximate in ratio to the figures I have already given, showing how much akin in their habits are the urban and the rural populations in Ireland. Well, Sir, the total number of arrests in Ireland in that particular year—1876—was 95,684. That being the total number of arrests for the entire year, the proportion of them which would belong to Sunday would be 14,000; but what will the House think was the actual number? Why, Sir, instead of being 14,000, the total number of arrests on Sunday was only 9,490, or less than 10 per cent. Test these figures in whatever way you wish, twist them and turn them about as you will, and still the same result is brought out. Again, then, I say there is no pretence for the advocates of this measure coming here and asking the House to pass it into law. They cannot be ignorant of these facts, and, therefore, they either entirely forget them, or totally ignore them. Having gone through these Returns with regard to the total number of arrests in Ireland for the year as contrasted with those which took place on Sundays, there is

one other point to which it is necessary I should direct the attention of the House before I leave this branch of the subject, and that is the fact that the number of arrests for intemperance, whether we take those for the whole of Ireland or those for the principal towns, is no criterion whatever as to the number of individuals charged with that offence. What I mean to say is, that the amount or number of committals does not square with the fact that there were the same number of distinct persons arrested. I have proofs of this of the most striking kind, obtained from the Courts of petty sessions, from the magistrates, and from other official sources. Take, for example, the city of Waterford. The information I obtained there illustrates the fact which I wish to impress on the attention of the House. The average number of arrests on Sunday in Waterford is 134, and when I asked the clerk of petty sessions how many of the persons charged were known to the magistrates as habitual drunkards, he told me that very nearly one-half of them were of that description, so that Return does not concern more than about 60 persons. The Governor of Cork Gaol has also given me Returns for the years 1872, 1873, 1874, and 1875, and they go to show the total number of committals for these four years with the total number of individuals committed; and it may interest the House to have them stated, as they further exemplify my proposition. The total number of men, taken individually, committed to Cork Gaol in the course of these four years was 1,674, and the total number of women, similarly regarded, 1,125—making in all 2,799 distinct persons, but what was the number of committals? Why, Sir, they numbered 5,118. The average number of distinct persons committed to Cork Gaol in each of those years was 699, or, in round numbers, 700; whereas the average number of committals was 1,280, so that the House will again see what I am trying to impress upon its attention, that the number of committals is no criterion whatever of the number of distinct persons sent to prison. It does not follow that because there were 5,118 committals that there were 5,118 distinct persons committed, for, as the Return shows, they did not exceed 2,799. I have, moreover, taken the trouble to consult a very

valuable Return, which was moved for by Colonel Ackroyd, at one time a Member of this House, and it affords materials for contrasting the several counties in Ireland with that of one county where Sunday closing has been voluntarily adopted at the instance of the late Archbishop of Cashel, the most rev. Dr. Leahy. The Return shows the result which that good and esteemed Prelate brought about; but even with all his personal influence, aided by all the influence which attached to his clerical standing, he was not able to do in a moment all that he has done. The good Archbishop did not rely on "hey, presto!" legislation. He did not say—"Pass a Bill, and at once produce an effect." His evidence shows that it was not by any sudden edict published from the altar upon a Sunday, or by any ukase, if I may use the word, that he has brought about the reform which is associated with his name. He himself describes the process which he adopted, and which it took him some years to work to any real effect. He went about from parish to parish in his diocese, speaking to publican after publican upon the subject, until at length he brought about a general *consensus* of opinion in regard to it; and hence the voluntary closing of public-houses on Sunday throughout his archdiocese in the county of Tipperary. That consent was to some extent attributable to religious influence; but if the Archbishop had attempted to bring it about at once, he might as well have attempted to change the winds of Heaven. It was by a slow and tentative process, and by that alone, he was able to bring about a change which has been productive of extraordinary good to the people of Tipperary, and I believe that the same result could be brought about in all the other counties of Ireland by the same means. I say that the only mode of carrying out a reform such as this, is by moral suasion. Instruct the people; hold out to them good examples; find for them better dwellings, so that the wretched condition of the poor man's home may not drive him for comfort to the public-house, and there will not be any longer a semblance of an excuse for the introduction of a measure such as this; for it is a libel—it is a gross and unjust libel on the people of Ireland to say that legislation like this is necessary to preserve them from the vice of intemperance. You have to deal with a

great difficulty, and one of a very exceptional character, and therefore we should deal with it temperately; but do not brand the people of Ireland as drunkards that you may bring about a change which everyone will admit is good and well-intentioned. The means by which you attempt it are not the right means. I have here a Return which contrasts the condition of the people of Tipperary with that of the people of Cork, and contrasts the people of Tipperary with themselves, both before and after the voluntary closing, and the figures will, I think, speak for themselves. The number of persons committed in 1869 to gaol in Tipperary, where the population is considerably less than in Cork, was 2,150. In the same year the number committed to gaol in Cork, where the population is very nearly one-half as much greater than it is in Tipperary, was just 1,357. In the next year, when the ukase came in force, the number committed in Tipperary was 1,562. This diminution I regard as a most gratifying result. I now turn to Cork, and find that the number of persons committed there was only 781, as contrasted with 1,357 in the previous year, showing that the population in both counties was even then becoming more moderate in regard to the use of intoxicating drink. Passing over a decade of years, I come to 1870, 1871, 1872, and 1873, and I find that in the first-mentioned year the committals in Tipperary were 1,343, in the second 1,106, in the third 797, and in the fourth 1,055. The same diminution is observable in Cork, where the committals, taking the same four years, were respectively 1,701, 956, 1,076, and 645. I have taken these two instances to show this, that it is altogether a mistake to suppose that intemperance is progressing in Ireland. There may, perhaps, be more whiskey and more potheen consumed, or at least made for consumption, by the people now than heretofore, but it is a most undeniable fact, based upon evidence, that intemperance has not increased among the people; and most distinctly do I deny that intemperance has increased there upon Sundays, the day when there is the greatest temptation to it, but when, as a rule, the greatest order and sobriety prevail among the people. Having given the House these particulars, it is now my

Mr. Murphy

duty to refer to the opinions of official witnesses given before the Select Committee as to the effect of Sunday closing, as that is the real question which the House has now to consider. You have not so much to consider what is the amount of intemperance. I believe myself it is, relatively speaking, infinitesimally small. But it is the remedy for it you have to look to, for that is the real fact which ought to engage the attention of the House. If it can be shown by the evidence of men above all partisanship, who are impartial and beyond prejudice or suspicion, and who give their opinion under the weight of responsibility—men who are by the nature of the office which they fill able to form the best opinion upon the subject—that Sunday closing in Scotland has not led to all those advantages which the advocates of this measure claim for it, and if it can be shown by the same class of evidence that it is not likely to lead to any better results in Ireland should it be adopted there, then, I think, the House will pause before it passes this Bill. I will now direct your attention to the evidence of the official gentlemen examined before the Select Committee. Before I go to that, it may be desirable to show what is the opinion of men capable of forming a correct opinion with regard to the working of what may be called the analogous system in Scotland. As I have already observed, a great deal has been said by the advocates of this measure of the working of the Forbes-Mackenzie Act in Scotland as a reason why Parliament should accept their proposal. They say—"See how it works; see the benefits which it has conferred on that country. Why not try the same experiment in Ireland that has been tried in Scotland with such marvellous results! Let us make Sunday in Ireland a sober Sabbath, and as grave as it is in Scotland." That would be very well, all other things being alike; but is it true that the Forbes-Mackenzie Act has produced such an amount of temperance in Scotland as the advocates of this measure allege? Is it true that there is less drunkenness there now than there was before the passing of that Act? Is it not, on the other hand, notorious that it is all the other way? Again, is it not the fact that the object of the authors of that Act was not so much to suppress intemperance—which,

of course, if they could, they would be very glad to do—as to enforce a greater outward observance of the Sabbath, which, according to traditions and Scotch feeling, the whole country were anxious to preserve, and to which they willingly subscribed? Permit me on this point refer to the experience of Mr. Badenoch Nicholson, the secretary of the Lord Advocate. Being asked as to what had been the effect of that Act upon the habits of the working classes, if he thought they abstained from the use of alcoholic drinks on Sunday, and if not whether they acquired them illicitly, or whether they laid in a store, his answer was, that it was difficult to form an opinion, but he was afraid he could not represent it in the light of having led to a diminution of intemperance on Sunday; that he thought the motive of those who got the Act passed was more a consideration of good order, than an expectation that it would increase temperance. I think you will agree with me that these facts as regards the working of the system in Scotland ought to make the House pause and consider before extending it to Ireland, even if they thought it necessary, where the habits of the people are entirely different. I do not see what would justify us in passing a law which would lead to secret and illicit drinking, an evasion of the law, and that which has never yet prevailed in Ireland—the introduction of spirits into the homes of the people, to be drunk in the presence of their wives and children, and so gradually pave the way to the corruption of the morals of both—a result which cannot fail to be very terrible in its consequences. I will now refer the House to the evidence of Captain Talbot, the Assistant Commissioner of Police in Dublin, who was examined before the Committee on this question. He says, in answer to an inquiry, that he thinks the total closing of public-houses on Sunday would drive the people to other places in search of stimulants; that, as a rule, the people did not drink before 2 o'clock on that day; that they then wanted a glass of beer at their dinner, and that they sent to the public-house for it. That had reference to a fact which had been proved before the Committee, that the greater portion of illicit drinking in Dublin takes place before the houses are open. What, then, is the logical sequence of all this? If illicit drinking

takes place now, when the houses are open for a certain portion of the day on Sundays, how much more will it prevail if they be closed throughout the whole of that day? He was then asked if, supposing it were possible to put a stop to the illicit sale of drink, what would be the effect of the Bill; and he replied that the only answer he had to give to that question was that if they made it possible for a man to obtain drink legally he would buy the drink in regularly-licensed houses; that he was entirely against the total closing; and that he did not think it right the working classes should be deprived of the opportunity of obtaining what was necessary refreshment. I would now ask the House if that evidence is not beyond suspicion and impartial, given as it was under official responsibility. Captain Talbot's evidence goes to show that the total closing of public-houses on Sunday would intensify the evil that already exists, and while it would not prevent the drunkard from getting drink, it would shut out the respectable tradesmen and artisans from obtaining it. In point of fact, it would punish the vast majority of the respectable citizens in order that the minority might be experimented upon, and the Bill ought not, in the interests of the minority, to be allowed to pass into an Act of Parliament. Another witness, Sub-Inspector Corr, was asked—

"You say there is less drunkenness on Sunday than on other days in Dublin. How much of that is to be attributed, do you think, to the earlier closing of public-houses?"

His reply was—

"The parties who go in to drink at those respectable public-houses do not go in for the purpose of indulging in drink. They go in more for the purpose of companionship, to have their chat over their glass of whatever they are taking than anything else. Those that go in at an early hour on Sunday are a very respectable class. They are very young men in some of the most respectable commercial establishments in the city of Dublin. I know that those who resort to these respectable houses on Sunday do not go in there, and they would not be tolerated in one of these houses, if they were under the influence of drink. I have never seen a man come out of one who was under the influence of drink."

That is the testimony given by a man who had the best opportunities of forming an opinion on the subject. In these respectable houses there is no such thing as excess. Sunday is of all days in the

Mr. Murphy

week the one on which there is the least intemperance, and yet you are asked to punish the public-houses and the people who frequent them for the experiment of trying to wean drunkards from their evil courses. I will refer briefly to the evidence of two other witnesses, who are important from the position they occupy and from their ability to form an opinion upon the subject. One of those witnesses is a highly respectable gentleman, a man of most conscientious opinions, and one who entertains very strong feelings on the subject of the closing of public-houses on Sunday. At the same time, he is a gentleman who would not give an opinion he did not believe to be true. I allude to the Recorder of Dublin, Mr. Falkiner. He is one of the most active sympathizers with the measure. The House will see how far the Report expresses his opinion as to the concrete right—if I may call it so—of passing such a measure as this. Mr. Falkiner says—

"I may state that, in coming over to give evidence before this Committee, if it had not been for the principle of this measure having been affirmed by the vote of this House, and by what I believed to be a very large weight of public opinion in Ireland, I should hesitate much indeed to express my strong view upon it, because I should be very sorry to take from the people a single pleasure which they have at present which is consistent with their welfare, and, on the other hand, I should be most desirous, according to my humble judgment and ability, to add to them as many as might be, and I recognize that much, with regard to the future of this measure, necessarily rests upon speculation; but, at the same time, having regard to the affirmations that I have spoken of, both by the House and by the large expression of public opinion in the sister country, I cannot, after mature consideration, see any sufficient reasons for a differential legislation, and, above all, in the city of Dublin, where, I believe, the evils against which this measure are directed exist in a very aggravated form."

I have read this evidence as showing the feelings of the learned Recorder on both sides of the question, and I think it would be unwise to endeavour to conceal from the House the evidence given by those who are friends of the Bill. Mr. Falkiner was further asked this question, and I think it advisable to direct the attention of the House to his answer—

"You have seen the Returns of the number of persons arrested in Dublin for Sunday drinking, and you have seen that there are less than on any other day to which the Returns relate?"

His answer was—

"I did not know that they were less than on any other day to which the Returns relate, taking Thursday and Saturday. There were 34 on the Thursday and 70 on the Saturday, as against 24 on the Sunday. That quite justifies your question."

He was then asked—

"Having regard to this Bill, which deals altogether with Sunday closing, which has no reference to any other days in the week, would you conceive that there is a reason for passing this measure as regards Sunday, because there is less drunkenness on Sunday than on any other day of the week?" "Not at all. I said that all through I was aware that a great deal less crime was brought before the magistrate on Monday morning, and that there was a good deal more from Saturday than there was from Sunday; and I said I would not have anything to do with the passing of this measure if it were not for social reasons, and I therefore declared that as I thought Sunday being the pleasure day, the holiday, and the wage-spending day to a large extent, there was much to be hoped for in the way of moral improvement, and I began by considering that this drunkenness, of which I speak, is not confined to Sunday at all."

That is evidence called on behalf of the promoters of the Bill.

"Would you conceive," he is asked, "having regard to the object of this Bill, which is confined to Sunday closing and to nothing else, that, there being less drunkenness on Sunday than on any other day of the week, therefore that the Bill should be passed?" "No, not at all. That is not the reason at all; it would be arithmetically absurd; but I laboured very hard indeed to show that that was not my opinion. I must say that in consequence of that possessing me, I never for one moment suggested any such arithmetical consideration, and stated all through that my reason for approving of Sunday closing, and for hoping for good from it, was the moral and social grounds arising from a variety of considerations, and I attempted to explain that this measure for Sunday is not applicable to Saturday."

I ask the House to consider whether the opinions thus given by a gentleman so strongly in favour of the Bill are such as would justify the House, in the face of admitted facts placed before them, to rush hurriedly into the enactment of this measure, which at best, according to the views of its own promoters, can be but an experiment, and whether the House ought not to pause in order to enable the country to form a rational, fair, and just opinion upon the evidence placed before them. Having now given the evidence of the Recorder, I will read very briefly an answer to a question that was asked of the divisional magis-

trate in Dublin, a gentleman who has had the most ample opportunities of forming a judgment on the question, and one whose opinion, if that of any official is to be taken to weigh at all, and to be gravely considered by the House, ought to be absolutely conclusive on the subject. Mr. O'Donnell said—

"I must say that after fully considering the question as carefully as I could, and from my experience as a magistrate for nearly 11 years, I am opposed to the total closing of public-houses on Sunday."

He was then asked to state to the Committee why he had formed that opinion. He said—

"It is a very large question, involving a great many views; but, of course, I shall endeavour to convey to you, as clearly and as briefly as I can, how it is I am influenced in coming to that conclusion. It is, as it were, a sort of jump in the dark, in trying a measure for the first time. None of us can see exactly how it will turn out. But I think it is very desirable, in looking at a question of this kind, to judge, as far as we can, of what may happen in the future from what has happened in the past, under a similar state of things. If you look at the city of Dublin on Sundays you will find that the law as it at present stands makes all licensed houses for the sale of drink to be absolutely closed for one-half of Sunday; and therefore, so far as the objects and designs of this Bill would go in a beneficial direction by closing for the remaining portion of Sunday, we may have some clue to guide us by noting how it acts for the first portion of the Sunday, in which legally all houses are closed at present. My experience as a magistrate is this—that during the first portion of the Sunday, in which no house can be legally opened until 2 o'clock in the afternoon, when public-houses are opened by law, there is as bad drinking, as much in extent and more deteriorating and demoralizing to the people, than the drinking that goes on afterwards. That has been clearly proved to us over and over again in the numerous cases that came at the licensing sessions before Mr. Woodlock and myself, at which the licensed spirit grocers and beer-dealers, wholesale and retail, applied for the renewal of their licences. Then it was for the first time that I really became aware of the enormous extent, and the deplorable extent, of illicit drinking in Dublin. It was proved before us in numerous cases, during the fortnight that we sat, in each of the two last years, for it took us that time sitting all day long to get through all the cases for each period, that in the low, squalid districts, where there are miles almost of poor, filthy streets, with lanes off them and courtways and alleys off those lanes again, there were known houses, known to the police also, carrying on illicit trade, where crowds of people congregated and got drink; but there was no getting legal evidence of the fact."

Mr. O'Donnell goes on to describe the impossibility of the police getting at the facts. He goes on to say—

“These facts come before me as a magistrate, and knowing those things, I ask myself what astonishing benefit will be served by closing public-houses and licensed-houses after 2 o'clock if we see that such are the results, so far, of closing before 2 o'clock?”

He says, further—

“What would take place in Dublin if, by the operation of this Act, if it passes, the public-houses were suddenly closed at 2 o'clock? I ask myself, who are the people who frequent the public-houses?”—this is important, as giving his opinion—“It is a very curious thing which has appeared in evidence with regard to illicit drinking before 2 o'clock that directly 2 o'clock arrived immediately the whole trade ceased, and of course the after-consumption in the city was expended in the public-house. But who are the people, then, that go to the public-house? Numbers upon numbers of people who frequent the public-houses have got moral restraint over themselves, and sense of decency and self-respect, and refrain from going to the illicit houses, to the beer-houses, and to low-class places of that kind. They wait till 2 o'clock comes, and then some of them go to the public-houses, and stay there perhaps for an hour or two hours. They go away, and others come in later on, and those are the class of people whom I look upon as the decenter class, as the more respectable and the humbler classes of Dublin, the working people and the tradespeople. Supposing, now, that you shut up the public-houses at 2 o'clock, what would become of those people? That is what I ask myself. Can I believe that, like good little boys at school, grown-up men, men with plenty of money in their pockets, after their hard week's work, and earning good wages, from 15s. to 20s., to £2 10s. and £3, and some of them more, if they have a desire for drink will refrain, because you pass an Act for shutting up those public-houses. If they can get it will they refrain from drinking? Then comes the question, if you shut up the public-houses by law, and the police are active in keeping them shut, can they prevent those people with money in their pockets from getting drunk in the city of Dublin? I say again that you cannot do it, and for this reason: Dublin is saturated with drink, it is flooded with drink, it is the staple manufacture. Every kind of drink which the people care to consume is manufactured in unlimited quantities in Dublin; every third or fourth house, even in respectable streets, deals in drink. The whiskey is excellent, and the porter ditto. Can you prevent that drink getting into the throat of a thirsty man with money in his pocket to pay for it, even if you shut up the public-houses? My impression is, that you cannot. Then what will those people do to get the drink, the public-houses being closed? Some will adopt the practice which they never adopted before; they will go to illicit houses, and drink beer and whiskey there, of very inferior quality, and those houses, by reason of the shutting up of the public-houses, will be

greatly increased in number, and their trade will be increased in every squalid street in Dublin.”

I ask the House if it is possible to have evidence such as that, and for a moment to doubt the impropriety of this measure now sought to be hurried through the House, even without adequate investigation? I have confined myself to reading the evidence given in regard to Dublin; but the same class of evidence was given in reference to Cork, Belfast, Limerick, and Waterford, and the sample I have given with reference to Dublin is the same in reference to all the other towns. A great deal has been said about public opinion and the opinion of the Press. It is very true that a powerful organization which exists, with money and agents for the circulation of its views, has gained over some converts on the assumption that the question was one that required to be dealt with; but let me read an extract from a letter written by a most respectable magistrate of the county of Cork, who knows the country well, to a Cork newspaper. Mr. Payne, writing from Bantry, says—

“I have read your article of the 16th instant on this subject, and perhaps you will allow me, as a magistrate of 32 years' experience, to say that I fully agree with the opinions you have there expressed. In the district of this county with which I am connected as a magistrate we have an urban, a rural, and a seafaring population of over 30,000, and the number of prosecutions for drunkenness during the last 12 months was 311, which just amounts to this—that one person in every hundred got drunk once in the year. I do not suppose that the city of Cork and this district differ very materially in this respect from other parts of Ireland, and with these figures I cannot conceive how drunkenness can be called ‘the national sin,’ nor can I see the slightest necessity for what appears to me class legislation of the most trying and invidious nature. I believe the effect of it would be the very opposite to the expectations of its amiable promoters, that it would make ‘Ireland a land of shebeen houses,’ and cause the dangerous habit, at present happily so exceptional, of buying in supplies for drinking in private.”

I will also read an extract from a letter addressed on the 18th of this month to a Cork paper by a gentleman of the name of Costello. Mr. Costello I find is a licensed victualler, living in Queenstown, but he has not opened his house for 20 years on a Sunday, so that he can truly be regarded as *suspicioni major* on the subject. The Fleet was in Queenstown last week, and the whole country came down to look at it. Sunday was the great gala day, and Mr. Costello says—

Mr. Murphy

"Vast numbers came by the excursion trains from Limerick, Waterford, Fermoy, Killarney, Macroom, Kinsale, and Youghal to avail themselves of that rare treat of inspecting those magnificent vessels of the Channel Squadron, but particularly the *Thunderer*, which was besieged by an admiring crowd of not less than 20,000 persons, besides the vast numbers that proceeded in the river and railway steamers to visit the other vessels of the squadron in the harbour: permit me to say a few words. It was computed by many that there must have been no less than 70,000 souls in Queenstown yesterday, and in no single instance has it been known that the interference of the Constabulary was required. When I dwell on the fact that at the hour of 4 o'clock no ale or porter, lemonade, ginger-beer, or other similar drink could be had in any of the public-houses that were open, and that during those hours vast crowds of all classes, including men-of-war's men, met in those houses, and nothing but social harmony and the most kindly feelings prevailed, I now question any of the pleaders for Sunday closing, if the measure were in force in Ireland, would Queenstown be so peaceable and orderly as it was on this occasion, when blue-jackets, civilians, and marines were in close communication in all parts of the town? If the sale of drink on Sunday had not been in existence here, it is obvious to any rational person what the issue would have been; and as long as railway companies continue to give excursions of this kind on the different railways of the country the total closing of public-houses would be attended with disorder, confusion, and perhaps insubordination against authority. There is no denying that this state of society in Queenstown on Sunday was due in a great measure to the exemplary conduct of the men from each of Her Majesty's vessels. Not only was their general conduct such as to speak volumes for the discipline of the men on board of those vessels; but the humane and kind attention bestowed on the vast numbers that were privileged to visit the *Thunderer* was the general topic of conversation by all on reaching the landing on shore. From all were eulogiums conferred on the officers aboard the turret ship, from the commander, Lord Charles Beresford, to the apprentice sailor boy; many were the good wishes given them, which they all in general well deserve, on their departure from our noble harbour."

This letter speaks the sentiments of every individual of the slightest thought, and is, therefore, of peculiar value. I thank the House for its indulgence. There are other topics which I might dwell upon, but as other hon. Members have to come after me I will refrain. When the facts go forth to the country which I have brought before the House, and men have time calmly to consider the subject, then even as regards those who may be inclined to lend themselves to the philanthropic and humanitarian views of the subject, I believe that, so far from lending themselves to the support of this legislation, they will strongly op-

pose a measure which, although introduced in good faith, is but at the best a makeshift, and would be oppressive in its operation. The hon. Gentleman concluded by moving the Amendment.

MR. M. BROOKS, in seconding the Amendment, said, it was his duty to inform the House, as one of the Representatives of the metropolitan City of Ireland, that the people of Dublin had no desire for the provisions of this Bill to be extended to that City. In corroboration of that statement, it would be his duty to give the House a few of the reasons which, in his opinion, justified him in making it, and the first of which was, that the learned Recorder of Dublin, in a recent Charge, had truly observed that it was preposterous to think that society could be regenerated by Sunday closing, or by the refusal of spirit licences, if nothing else was done. On the back of the Bill he found the name of the hon. Member for Londonderry, (Mr. Richard Smyth) who voted against the Bill for opening Museums and Art Galleries on Sundays. The hon. Member for Derry (Mr. Charles Lewis) and the hon. Member for Belfast (Mr. J. Corry) who voted against that measure, had also backed the present Bill. He also found the name of the hon. Member for Glasgow (Dr. Cameron) on the back of the Bill, and he had also voted against the opening of the Museums and Art Galleries on Sundays. He (Mr. Brooks) contended that a proposal which had been supported by all those hon. Gentlemen who were members of the Presbyterian Church, and which would be all very well for the Presbyterians in the North of Ireland, ought not to be extended to the population of the South of Ireland, as it did not accord with the desires and instincts of the people of the Southern districts. The learned Recorder of Dublin had said in his evidence before the Committee, that he would not vote for any measure which was simply one of repression, and which did not provide for the people some substitute for the public-houses. He had further said, in regard to the Bill, that he did not know that any other certain result would follow its operation, except that illicit drinking would be increased in the City of Dublin. Well, he thought these were reasons why Dublin should be exempted from the operation of the

Bill; but he thought there were other reasons connected with Dublin being the metropolitan City which did not prevail with regard to Wexford or the diocese of Dublin. Like London, with its Brighton, Richmond, Greenwich, &c., Dublin had its suburban places of resort, and amongst them Kingstown and Bray; but, if this Bill passed into law, the visitors to those places would be unreasonably deprived of those advantages, as respected refreshments, which were enjoyed by the people of other cities of which he had knowledge, such as Paris. Dublin had, moreover, large classes of operatives, and it was a garrison town, and a seaport; and if this Bill passed, large bodies of soldiers, sailors, and railway porters, &c., would be deprived of the opportunity of obtaining reasonable and moderate refreshment on Sundays. If public opinion in Dublin had declared in favour of closing the public-houses on Sundays, the clergy and the inhabitants would, as in other towns, have invited the licensed victuallers to abstain from the sale of intoxicating liquors. Had they done so, he believed that the influence of the clergy was so great in Ireland that the necessary reforms could be carried out by that means without any enactment of this kind. He must again say that, as one of the Members for the City of Dublin, he could assert with confidence that the 40,000 working men of the City were opposed to the Bill, which would be a stigma upon their character and their reputation. Whilst, undoubtedly, there might be in Dublin some few habitual drunkards, the wishes of the 40,000 men ought to prevail over the wishes of those who did not use public-houses, and who endeavoured to suppress drunkenness by this coercive measure.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not expedient that the provisions of this Bill should be extended to the whole of Ireland,"—(*Mr. Murphy,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ROEBUCK said, he was anxious to say a few words on the subject. He had felt very strongly on the question

Mr. M. Brooks

during the whole of his career; and now, at the close of that career, he wished for the first time to state the opinion he had held as well at the commencement, as now at the close. The Bill was an exceptional one, and for an exceptional Bill there were required reasons to justify that exception. What was the measure? It was an attempt to infringe the liberty of every private man to do as he pleased with respect to his drinking, by saying that on a particular day he should be shut out from the ordinary means of obtaining refreshment to assuage the necessities of nature, because, by that means, intemperance would be prevented on the part of others. But they must prove that the mischief existed, and that the mode of remedy suggested would be effectual. Now, until the present Bill was introduced he had believed that the people of Ireland—at least the great majority—really desired it; and, because he so believed, he had voted with the Government for bringing the question on for discussion to-day. He had, however, heard a speech that day, which had entirely disabused him of that idea, not only in regard to the feelings of the people of Ireland, but also as to the facts of the present case. He had been told that the great body of the people of Ireland with regard to this matter desired a Bill of Coercion, and he had also been told, and believed, that Sunday drinking was peculiar in this respect—that Sunday was the day on which people generally got drunk, and when they presented a spectacle of intemperance far worse than was to be found elsewhere. Exceptional legislation was therefore demanded, as he had thought, because of the great excesses which occurred on that day. The hon. Member for Cork (*Mr. Murphy*) had, however, shown, in the first place, that there was not that general demand for the Bill which had been represented, and, in the next place, that Sunday, so far from being the exceptional day of intemperance, was the exceptional day of temperance in Ireland. Now, this was a sumptuary law to guide the people in their private habits, but where was this kind of legislation to stop? It was all very well to say that this was a great evil to be dealt with. No one was more convinced than himself of the mischiefs of intemperance; no one derided it more than he did the ex-

cess of intemperance in this country; but to say that such an evil existed was not to show him that the remedy propounded by this Bill would be effectual. What would be the result if this Bill became law? Would anyone be prepared to say that it would in any way diminish drunkenness? This was a question of importance, and one that ought to be satisfactorily answered. Did anyone mean to say that by shutting up the public-houses on Sunday in Ireland the people would become more temperate? He asserted that they would not. The House knew what the consequence would be. A man who wanted drink, and who had money in his pocket, would always be able to get it. Let the House make laws of the most restrictive character, and put a policeman in every street, and yet if people who had the means wanted to get drunk, they would do so. It was not at that end of the scale that Parliament could put down drunkenness. It was not by restrictive legislation that drunkenness was to be checked; but by education, and, more than that, by allowing the people on Sunday to have rational amusement and innocent means of recreation by the opening of Museums and Galleries. Those persons who opposed in every possible way the opening of Museums—the opening of modes of really innocent and rational amusement, had done more to promote drunkenness than all the licensed victuallers in the Kingdom; nay, they must provide for the people of the country the mode of passing their days and hours of leisure in a rational and innocent manner, and afford them the means of enjoying themselves in the bosom of their families, and of getting to places where they could derive amusement from the treasures of art and science, and they would be doing their duty; but they would not be doing their duty by making restrictive laws against keeping open public-houses on Sundays, and, at the same time, keeping our Galleries and Museums closed. By so doing, the House would only open 10,000 shebeen houses. For every public-house that would be shut up, depend upon it 10 or 20 of these wretched hovels would be opened. A man who now wanted refreshment went honestly and fairly into a public-house, and did not feel that he degraded himself; but if the Bill passed, the same man would

skulk into a shebeen house in order to avoid publicity, and men would be committing a crime in their hearts when they were now only doing what was innocent and proper in itself. He felt deeply on the subject, and if the House of Commons sanctioned these restrictive rules, it would only be offering a premium upon bigotry and intolerance.

Mr. BRUEN said, he would support the Bill, although he candidly admitted that, seeing the influential minority opposed to it, he was inclined to pause before giving his assent to all its provisions. The constituencies of Ireland, except those of five large towns, had shown that they were practically in favour of the Bill; but as to those five large towns, no one could deny that a very considerable, respectable, and sober minority were opposed to the application of some of the principles of this measure. The question then arose whether, if the public-houses were closed on Sundays against the will of the people, drinking would be stopped. He did not believe that it would. Another question was how Parliament could refuse to adopt the same principle in England when it had been put in force in Ireland? If such a Bill were proposed for England, he should oppose it, because a very large number of the working classes would be coerced by it against their will. In the case of the Bill under notice, he was himself opposed to coercing the minority; but he could not support the Amendment, because, while he would not force the measure on those parts of Ireland where there was no general feeling in its favour, yet he desired to see it put in force where there was such general feeling in its favour. To pass the Amendment of the hon. Member for Cork (Mr. Murphy), would be to defeat the Bill, and prevent its application to those parts of the country where it could be applied safely and beneficially, and he thought the object of the Amendment, with which he so far sympathized, could be sufficiently met by Amendments on the clauses of the Bill in Committee, such as those of which the Chief Secretary for Ireland had given Notice. He should, therefore, vote against the Amendment, reserving to himself the right of voting in Committee for the exemption of certain parts of Ireland from the operation of the Bill where he thought it might be done without injury

to the morality of the people. He believed that the Act would work beneficially where the majority of the people were in favour of it, but that its results would not be so satisfactory when any large proportion of the working classes was opposed to it.

MR. R. POWER: Sir, one effect of the speech of my hon. Friend the Member for the city of Cork (Mr. Murphy) has been to drive from the House all the advocates of the Bill. No doubt, they will return by-and-bye and say that they were not at all convinced by the arguments of my hon. Friend. As I have always voted against the measure, and have never trespassed on the patience of the House to give my reasons for doing so, I hope I may now be allowed to say why I object to the Bill of the hon. Gentleman the Member for Londonderry. In opposing this Motion I am no advocate of intemperance on a Sunday or a week-day, for I believe it to be the greatest social curse of any country; but I am firmly convinced that the Bill now before us, if carried out, will produce a very different result from that which its promoters anticipate. Instead of checking it will give a fresh impetus and zest to the vice of drunkenness—a vice which proves that in one respect, at least, the brute creation can rise superior to man. This Bill, in effect, proposes to establish one law for England and another law for Ireland—at least, for the present, for if my hon. Friend extended the provisions of his Bill to this country, I should like to know how many English Members would follow him into the Lobby; but he is too good a tactician to propose anything like this. He knows very well that the generosity of his English Friends would only follow him to Ireland, and that they dare not do in their own country what they propose to do at the other side of the Channel. The hon. Member for Londonderry (Mr. Richard Smyth) has consulted the hon. Member for Carlisle (Sir Wilfrid Lawson)—for these temperance agitators play into the hands of one another—and they have agreed that the Irish Sunday Closing Bill is the thin end of a very thick wedge. I believe that Sunday closing will give a zest to Sunday drinking, for it is human nature to value that which is most difficult to obtain. Forbidden fruit is always the sweetest. Even liberty is sweeter to a

nation that has been deprived of it. At College I used to smoke because it was not allowed. Now, I seldom smoke at all; and we all know that a certain French lady once said—"What a delicious thing a glass of cold water would be if it were only a sin;" and so a glass of beer on a Sunday will be a most delicious thing when your Bill becomes law. Hon. Members say that as the Irish people are almost unanimously in favour of this Bill, and as it does not effect the integrity of the Empire, they will vote for it. I deny both these propositions. The Irish people are not in favour of the measure, as I shall presently prove, and no measure of importance has ever passed this House which does not work directly or indirectly, for the good or evil of this country. Now, let us see what they mean by saying that the people of Ireland are in favour of this coercive measure. This agitation has been going on for years, supported by a powerful and wealthy organization, sparing no money or pains to influence opinion in their favour—Petitions, meetings, threatening speeches—and yet upon the last occasion they could only get 49 Irish Members out of 103 to record their votes in favour of this Bill. But I do not rely on this fact alone to dispel the popular error that unanimity exists in Ireland upon this question. I will take the card supplied by those temperance reformers to hon. Members of this House. It is headed—

"Memorial in favour of Sunday Closing. Abstract of signatures:—Clergy—Protestant Episcopalian, 1,119, out of 2,221; Roman Catholic, 864, out of 3,136; Presbyterian, 342, out of 679; physicians, surgeons, &c., 744, out of 2,420; merchants and employers of labour, &c., 453, out of 726,636."

Do these figures prove that the people of Ireland are in favour of this Bill? Then, again, when I look to my own constituents, I can confidently state that a majority of them are not in favour of the Bill. At the last Election no fewer than 13 candidates endeavoured to get in for Waterford, and of these five went to the poll. Of the five, three pledged themselves in favour of the Sunday Closing Bill. The League made the fact known far and wide, adding an expression of their regret that Mr. Power and Major O'Gorman were opposed to the Bill. What was the result of the election? Why, that the two candidates

who were opposed to the Bill were returned at the head of the poll. In one of the many pamphlets which have been issued by those who seek to have the Bill passed, it is stated that there are only two ways of making men sober: one is to get them to abstain altogether—the course which they, of course, advocate; the other is to educate them to drink; and it is sought to be shown by statistics, and particularly by the number of convictions for drunkenness in one year as compared with another that, while in the former year of the two—1864—it took 50 gallons of whiskey to make a man drunk, in the latter—1874—it took 60 gallons to make a man drunk, he had become so acclimatized. The effect of closing has been tried once in Waterford. At the request of the Bishop of Waterford the public-houses were closed on the 24th and 25th of December; but on the 26th no fewer than 35 cases of drunkenness were brought before the magistrates; and a greater number of arrests would have been made, but that the lock-up was so full that there was no use in taking up any more drunkards, and, as it was Christmas time, many cases were overlooked which would otherwise have been dealt with. But it is said that the clergy are in favour of the Bill. I believe they will be found to concur in the opinion expressed by one of their Bishops, to the effect that—"Coercive means can never cure; the will and the mind must be acted upon." Lord Emly stated the other day, that the experiment of Sunday closing had been tried in a portion of the diocese of Limerick, and that it had been found that where Sunday closing was carried out, 1 in 212 was found to be drunk; while, where it was not, the proportion was 1 in 332. Now, Scotland has been held up as an example of how well the Act works, but what are the facts as shown by reliable statistics? It is stated that while virtuous Scotland distils 17 odd million gallons of whiskey in the year, drunken Ireland distils 10,000,000 only; that Scotland consumes 6,872,000 gallons, while Ireland, with her greater population, consumes 6,490,000 gallons. In the words of one of the Scotch Inspectors General, writing a Report on the subject of drunkenness in that country, "Scotland is drinking herself to death." In Glasgow alone there are no fewer

than 1,856 houses in which whiskey is sold, besides ale and beer-houses. That is the evidence in reference to Scotland. With respect to the Bill, I maintain that this is not the time to propose that public-houses should be closed in Ireland upon Sunday. Temperance reformers are in advance of public opinion, and no measure has ever been carried in this House until public opinion preceded it. Let them wait until places of recreation and innocent amusement are open for the working man. Museums and picture galleries may wean the mind from the gin-shop and elevate the moral tone of a people; but you cannot by mere Act of Parliament teach that self-respect and sobriety which are so necessary for the welfare of a nation. You must give the working man some rational enjoyment on the Sunday, for idleness is the parent of intemperance. It has been said that the love of opposition is a predominant feature in the Irish character, and I have heard several facts quoted in confirmation of that opinion. For instance, Bianconi, who was the first to introduce into Ireland that elegant and useful article called an Irish jaunting-car, and who realized a large fortune by running those cars between different towns in Ireland, once told me that when he started his first car in the county Galway, he could get no passengers. No one would travel on his car, although he offered every inducement, and he was about giving up the business. But being a close observer of human nature, he got an insight, although an Italian, into the Irish character, and he started an opposition car under a fictitious name. From that moment, his cars began to fill, and for ever after he had plenty of passengers. Now, if this trait is so strong in the Irish character, I would seriously ask is there not some danger in carrying a Bill opposed to their wishes and feelings? Even in this House I must admit the national failing is conspicuous, for Irish Members of Parliament are generally in Opposition; but here the national trait is rather a virtue than a fault; for a strong Opposition is almost as necessary to the good government of a country as a strong Government. The only difference I can see between Her Majesty's Government and Her Majesty's Opposition is, that the latter work for their country without pay, or, as we say in Ireland, for the

"honour and glory of the thing." In saying this, I believe I am giving Her Majesty's Opposition more honour than they deserve, for, at all events, they have the prospect of pay—although I fear just now the prospect is rather distant; and I doubt if Her Majesty's Opposition fully appreciate the sentiment "that distance lends enchantment to the view." Because a few drink too much you would prevent the many from drinking at all. That is, the principle of your Bill extends that principle to the other relations of social life; and into what labyrinths of coercion and confusion will it not lead you? Why, anything taken in excess is bad. Tobacco is as injurious as whiskey. Why not protect the British subject from its evil influences? I wonder if the advocates of this Bill ever drink a glass of beer themselves on Sunday? Are there no thirsty souls amongst them? The hon. Member for Londonderry has not told the House whether he has given up his glass of sherry on a Sunday, or whether he indulges in anything stronger than sweet lemonade or explosive soda water. Of course we are bound to presume that the hon. Member and all hon. Members who support him practice what they preach. Perhaps the hon. Member's great zeal in this cause originates in that failing of human nature—

"To compound for sins we are inclined to,
By damning those we have a mind to."

The over-zeal of an advocate often does more injury to his cause than all the arguments of his opponents. The effect of the proposed law would be to create a re-action in favour of Sunday drinking. But we shall have to contend with a perverse principle of human nature, which is always prone to run into extremes. If you close up the public-house altogether on Sunday and prohibit a man from drinking moderately, he will, in all probability, if he gets the opportunity, drink to excess. I will quote for the House just one case as an illustration of this principle. A respectable farmer, and a most sober man, was going to a fair to sell his pig. He asked his wife for a shilling, for she kept the key of the till, as all wives ought to do—when they can. Well, he asked his wife for a shilling to get a glass of beer. "No," says she, "I'll do no such thing; be off and sell my pig." "Well," says he, "if you don't give me a shilling

to get a glass or two of beer, I'll drink the pig." Well, he did go off, and he kept his word. He drank the pig, and came home to his wife very drunk indeed, and without a shilling in his pocket; and you may imagine, if you can, the kind of interview that took place between them on his arrival. Now this man was never known by any of his neighbours to be drunk before. Therefore, I contend that if you prohibit the working man from taking his glass of beer on a Sunday, you are following the example of the farmer's wife. You will drive the working man to imitate the countryman who drank his pig. You may depend that you cannot make a people sober by any Act of Parliament. Your only remedy is education, but it must be education with religion. Education alone will not teach the enormity of the sin of intemperance. Religion alone can instil into the young mind that horror of the vice of drunkenness which, in after life, will be the best safeguard against the public-house. This is a case which proves that religion without education is better for a people than education without religion; while both combined is the perfection of human government. Civil and religious liberty is of little value to a country without civil and religious education. Let temperance orators advocate a system of education based upon religion, and they will do more to promote the sobriety of the people than all the arguments which have ever been advanced by melancholy Sabbatarians and bilious Teetotalers. Parliament can do great things. You can establish a Church by Act of Parliament, and disestablish it, too, as you have lately done. You can found a Constitution by Act of Parliament, or suspend a Constitution—as the Irish people know. You can make an Empress by Act of Parliament—as all the world knows. Many and strange are the things you can do and have done by Act of Parliament; but legislation steps beyond its precincts when it seeks to establish sobriety by unequal and coercive laws. I have never given to my constituents a promise upon this question. I am not bound to vote one way or another. I am not, as others may be, overloaded with electioneering pledges; but I oppose this Bill, because I believe it to be contrary to the rules of free government, vicious in principle, and tyrannical in practice.

Mr. R. Power

MR. O'CONNOR POWER said, that when he came down to the House he did not intend to speak; but he felt bound to make a few remarks after listening to the speech of his hon. Friend the Member for Cork (Mr. Murphy), which was in a great part a repetition of the unjustifiable attack upon the organization from which the Bill emanated. The hon. Member, however, admitted that that organization was actuated by benevolent motives, which was more than could be said for those whom the hon. Member represented. He regretted that the hon. Gentleman the Member for Waterford (Mr. R. Power) had followed, not very successfully, in the same line; nor was he very happy in his references to the fate which three supporters of the measure had met at the hands of the electors of Waterford. For although it was true that they had been rejected by the borough of Waterford, one of them had since been, in the face of the most active opposition, returned by a much greater constituency—namely, that of the county of Waterford. A great deal had been said as to the opinion of the people of Ireland in reference to the measure, and as it was desirable there should be no mistake upon the point, he regretted that the hon. and learned Member for Sheffield (Mr. Roebuck) should have come to the conclusion that the majority of the people were opposed to it, and have changed his opinion of the measure in consequence. For his part, he (Mr. O'Connor Power) could say that, representing one of the largest counties in Ireland—Mayo—his hands had been filled with Petitions in favour of the Bill, while not one single individual in the county had expressed a desire that he should oppose it. On the other hand, many of them, including Catholic Bishops and clergymen, Episcopalians, Presbyterians, and others, had urged upon him, as he valued the welfare of the country, to do all he could to remove a great temptation from the people. They all desired, he had no doubt, to put down drunkenness, but he could not but express his belief that the opposition to the measure was based to a great extent on interested motives. ["Oh, oh!"] He did not say that of his Colleagues in that House—they were all honourable men—but transferred the charge to the organization of licensed victuallers

throughout the Kingdom who, it was well known, at the last Election had intimidated the Conservative Government on the subject. On the other hand, it was clear that if the officers of the Sunday Closing movement were actuated by such motives, they were taking the worst mode to defeat their objects, because the moment the Bill passed their occupation would be gone. The hon. and learned Member for Sheffield had asked whether anyone believed that the passing of the Bill would diminish drunkenness? Well, he (Mr. O'Connor Power) believed that it would not, perhaps, immediately; but that, on the contrary, the arbitrary repression of a desire shared by a large number might increase that desire, but that would not last long. The hiding away of temptations and allurements might not have the effect immediately upon the old and hardened which they all desired, but it assuredly would upon the young. The rising generation, at all events, would not be drawn into public-houses, or on Sundays, into shebeens, as those who preceded them had been. That it would do so had been proved by the experience of the diocese of Galway and Emly, in which Sunday closing had been voluntarily adopted. He knew that in America, even in the States where the Maine Liquor Law prevailed, there was Sunday drinking, but it was confined to middle-aged men and women, those who had brought with them, with their European prejudices, European vices to America, and among them were not to be found any young men from 18 to 25 years of age. It was true also that the Maine Liquor Law had in some cases been repealed; but that had been accounted for by Professor Wendell Phillips, a champion of the masses of the people, who said, in a recent speech delivered at Boston, that it arose from the fact that since the American War the country was controlled by the large cities, and the large cities by their criminal population. His own county of Mayo was, as far as he knew, unanimously in favour of the Bill. His hon. Friend the Member for Cork City had quoted figures to show that there was less drinking on Sunday than on any other day. But if people did not drink so much on Sunday as on other days, it was because their facilities for drinking on that day had already been re-

stricted. He said, therefore, increase those restrictions and you will further diminish drunkenness. Then the hon. Member asked whether they desired to prevent the peasantry meeting on Sunday, the only day on which they could meet. By no means. Let them meet by all means, but not in public-houses. His hon. Friend had also said this Bill was based upon Sabbatarianism, and he (Mr. O'Connor Power) had no objection to base his support of the Bill on that ground; but his Sabbatarianism was similar to that of the hon. and learned Member for Sheffield, who would open the Museums and other educational institutions on the Sabbath to the people rather than allow them to have free access to the public-houses. His hon. Friend the Member for Cork had ridiculed the idea of proposing a measure of this kind in the name of patriotism; but he (Mr. O'Connor Power) would not hesitate to support it on that ground. In the proportion in which the people were addicted to this vice, the arm of popular freedom was paralyzed; and if they were to have a free Irish people they must have a sober Irish people—and if they could not make them sober by suasion, he was prepared to remove the drink from them. If he had spoken somewhat warmly, it was because he felt strongly, and he had never before trespassed upon the House with regard to this subject. He would conclude with a brief reference to the last argument of the Member for Cork. The hon. Member referred in glowing terms to the reception of the Fleet at Queenstown, and talked about the 70,000 or 80,000 people who went there, remarking how sober the people were; but the fact was that the demand on the public-houses was so great that all the drink was exhausted. There was not a glass of ale or porter to be got, for the peasantry took Queenstown by storm.

MR. MURPHY, rising to Order, said, he referred to the large consumption of ginger-beer, soda-water, and other non-intoxicating drinks, and not to that of alcoholic beverages.

MR. O'CONNOR POWER said he was glad to hear and to accept the explanation. It appeared, then, that the 70,000 or 80,000 people there on that occasion so far sympathized with the Irish Sunday Closing Association as to

prefer ginger-beer and soda-water to porter. He was glad that the hon. Member for Cork thought it necessary to rise and interrupt him for the purpose of showing that the people of Ireland did not want ale and porter, and that they could be perfectly satisfied with temperance drinks.

THE O'DONOGHUE: I think, Sir, that very many interesting speeches have been addressed to you to-day, and prominently amongst them that of the hon. and learned Member for Sheffield (Mr. Roebuck); and I am sure I may venture to give expression to what I believe to be the feeling of the House, that that hon. and learned Member may long be amongst us to impart to our deliberations a share of that public spirit for which he has been conspicuous throughout his career, and to charm us by his eloquence. My hon. Friends who have spoken on this side have scarcely left me anything to say; and the hon. Member for Carlow (Mr. Bruen), who spoke on the other side, seemed to have so much difficulty in making up his mind, that he has relieved me from any attempt at that most difficult of Parliamentary performances—a reply. I believe it is generally supposed that the promoters of this Bill are good men, with the very best intentions. I, for one, accept the supposition. Indeed, the nearest approach to a charge that I have ever heard brought against any of them is that some of them are rather too good—that their goodness is somewhat repulsive from being too demonstrative; that it is a phase of that Puritanism which thinks it necessary to close Museums and Picture Galleries to the people on Sundays, and assume a dejected look and a nasal twang on the Lord's Day. The promoters of this Bill propose to enact that henceforth on Sunday in Ireland, no farmer, no labourer in town or country, no artizan—no man, in short, who is not rich enough to keep either a well-stocked cellar or cupboard—shall be permitted to moisten his lips with what is understood by the term drink. That is to say, that, taking the population of Ireland at about 5,500,000, very little short of 5,000,000 are to be compelled to abstain for ever on Sundays from the use of alcohol. The advocates of the Bill, in fact, seek to amend the Commandment which declares that one day in the week shall be set apart as a day

Mr. O'Connor Power

of rest, by the addition of a penal clause that it shall also be a day of unassuaged thirst; and the peculiarity of this latest addition to the Decalogue is, that it will only affect that unfortunately too large section of our community who are so poor as to be unable to make a provision against this gust of fanaticism. Why, as compared with the consequences of this Bill, the consequences of the Permissive Prohibitory Liquor Bill of the hon. Baronet the Member for Carlisle (Sir Wilfred Lawson) will be as a mere nothing, because all that one would have to do to escape from the consequences of that Bill would be to slip round into the next parish in order to procure what one wanted. But this Bill is in direct violation of the principle of the Bill of the hon. Member for Carlisle—a falsification of the professions by which the advocates of that measure have been able to obtain even a hearing for it in this House and the country. We are constantly being told that everything is to be left to the people; that periodically in each district a great cry is to be raised of grog or no grog, and that this momentous issue is to be left to a free population. Then, we are told, if the grogites have it, they will practically be able to lush in ease at home; and if they are so unfortunate as to lose the day, all that will happen will be that they will have to imbibe after they have had to endure nothing worse than a short stroll and an agreeable jaunt. Now, we see the real animus of these voluntaries, and can form some idea of the lengths to which they are anxious to go if they had the power. These advocates of the Permissive Bill are swarming around the hon. Member for Londonderry (Mr. Richard Smyth) and the hon. and learned Member for Louth (Mr. Sullivan), to assist them in stamping upon the Statute Book a Bill which seeks to accomplish, in a modified degree, the same objections as the Permissive Bill, which has its origin in the same spirit of quackery, and as much finality as can be pressed upon any act of man. There cannot be a doubt that this Bill is being pushed on by a party of monomaniacs. The hon. Member for Mayo (Mr. O'Connor Power), who has just addressed the House, has adverted to the use of strong language. I admit that this is just one of those questions where the use of particular language may be

said to be exclusively a matter of taste. But I must be again permitted to say that those who are pushing on this Bill are a party of monomaniacs. Many of them certainly, influenced by a high religious enthusiasm, are convinced that the Devil is the suggestor, if not the inventor, of fermentation, quite forgetting who it was that changed the water into wine at the marriage feast. There is, again, without being at all exercised by religion, a large number of persons who consider total abstention from alcohol an infallible preservative against rheumatism, chilblains, gout, and all the ills which flesh is heir to. Not a few of them are converted toppers, filled with all the furious zeal of neophytes; and some of them, owing to some defects in their private cellular departments, reject everything spirituous, as the doctors would say, "by the spontaneous action of nature." It will not be denied that they are a select party. I am far from saying that they are not actuated by kindly feelings towards mankind; but this I may say—that their advances are not at all reciprocated; that they are separated more effectually by their eccentricities from the rest of mankind than any artificial barrier could separate them; and that they are the very last men that ought to be allowed to legislate for that great aggregate of ordinary mortals who constitute the majority of the world. But, Sir, I should not be the least afraid of their being allowed to legislate if the drumming of the hon. and learned Member for Louth had not brought the swarm to fasten upon Ireland, the subject and victim of so many experiments. The majority of the Irish Members have voted in favour of this measure, and from that it might be inferred that a majority of the Irish people are in favour of it, and that its advocates would not avowedly press it forward in opposition to the wish of the people. Assuming it to be true that a majority of the Irish people are in favour of this measure, one thing at all events is clear, that in this respect they differ from all the people on the Continent of Europe, from the vast majority on the Continent of America, from the people of England; and when we search the Universe to find another nation which agrees with the Irish in desiring to put it out of its power to take a drink on Sundays, we have to turn to the North

of this Island, to the people of Scotland. Beyond all question that is a curious and extraordinary statement; one of those things which show that if miracles have ceased, wonders have certainly not. If drunkenness has ceased in Scotland, why have you not long since applied the same measure to this country? Here are two nations of whom it is said by the advocates of the Permissive Bill that they are the greatest drunkards in the world, and whose partiality for drink is said to be notorious, and yet these are the only two nations in the world who, according to the advocates of this Bill, are actually clamouring that they should be prevented from indulging in intemperance, and that, too, on the only one day in the week on which they can enjoy themselves, and further insisting that the least infringement of that restraint shall render them amenable to prosecution, and subject them to severe penalties. We protest, Sir, against this charge of want of self-restraint which has been brought against us by the advocates of Sunday closing. The people of Ireland are renowned for being most convivial and most hospitable; but I entirely deny that they are in favour of Sunday closing. I would ask those who point their to majorities among the Irish Members, if the majority of Irish Members always represented the views of the majorities of the Irish people who are their constituents? There was a time when the majority of Irish Members would exclude Roman Catholics from a seat in this House and from any share of power in our municipal corporations. It is not a very long time since the majority of the Irish Members favoured the maintenance of the Irish Church, and scouted the idea of any improvement in the relations between landlord and tenant. I do not say that the majority of to-day is not a better representative of the feelings and wishes of the people than were the majorities of the times to which I have alluded; but I do tell them they are now taking the same course which was taken by those majorities of former days in acting without consulting their constituencies and in utter ignorance of what are their real feelings. I do not mean to say that the majority of to-day would act in defiance of the wishes of the majority of the people. The consideration of the question never came before them, and it never

entered into their heads that they were to be compelled to become teetotallers on Sunday. The question is one which has only in a few instances entered into the addresses which the candidates for Parliamentary election have made to their constituents. Only two or three of them have at all alluded to the subject, and these have been the noble Lord the Member for Enniskillen (Viscount Oricton), the hon. Member for the county of Londonderry, and the hon. and learned Member for Louth. I chanced to see a report of the hon. and learned Gentleman's speech, and I just threw my eye over it to see what he was after. The hon. and learned Gentleman is the leader of the teetotal party in Ireland, and therefore it is of no small importance that I should mention to the House what he said to his constituents. I have not the report by me, and, therefore, I can only paraphrase his remarks from memory. He first announced to them as a piece of information that an ante-Saxon feeling still fired his breast; and then he avowed that his prospects of eternal salvation were mixed up with the settlement of this momentous question.

MR. SULLIVAN rose to Order, and asked the hon. Member what report of his speech he was quoting from, as he did not recollect having used the words which the hon. Gentleman had repeated. He was not in the habit of repudiating speeches, the proofs of which he had himself corrected.

THE O'DONOGHUE: I am referring to the report which appeared in *The Freeman's Journal*, and I deem it an extraordinary circumstance that on this occasion my memory is better than that of the hon. and learned Gentleman's.

MR. O'CONNOR POWER rose to Order. He did not gather from what the hon. Member for Tralee had just said that he mentioned the date of *The Freeman's Journal* in which he had found the speech of the hon. and learned Member for Louth. It was desirable that he should do so, as then hon. Members would be able to consult it.

MR. SPEAKER: That is not a question of Order. The hon. Member for Tralee prefaced his remarks by saying that he quoted from memory, and it is competent for the hon. and learned Member for Louth to contradict the hon. Member for Tralee if he should present him.

THE O'DONOGHUE: The hon. and learned Gentleman then went on to say that he could not at the last day appear before his Maker in the valley of Jehoshaphat with any conscience unless he had previously put a padlock upon all the public-houses on Sunday.

MR. SULLIVAN would be glad, at any rate, if the hon. Gentleman would quote his words correctly, for he would give the fullest contradiction to what he now said.

MR. SPEAKER said, that the hon. Member for Tralee was in possession of the House, and at the end of his speech full opportunity would be given to any hon. Member who wished to correct him in what he had said.

THE O'DONOGHUE: It is, Sir, indeed, very difficult to go on; but what followed was that the hon. and learned Gentleman wished to see the decanter and porter-jug replaced by the teapot, and it was to his effecting the fulfilment of this that he looked forward to his being recognized in that multitudinous assembly of many nations. That was positively the substance of what the hon. and learned Gentleman had to say to his constituents, although I admit it is but an humble imitation of the grandeur of his style. The noble Lord the Member for Enniskillen has also addressed his constituents, and he told them to return him again to Parliament in order that an exponent of teetotalism should have a place on the Treasury Bench. Well, he has been returned, but he observes a masterly silence on the subject. The hon. Member for Londonderry has undoubtedly introduced the subject in two or three meetings in the North of Ireland; but it should be noticed that he addressed the same meeting two or three times, and the few meetings which had been held elsewhere certainly cannot be relied upon to show that unanimity in favour of the Bill which it is pretended by the supporters of this measure prevails in Ireland. I feel I am perfectly justified in asserting that there has been no interchange of opinion at all in Ireland on this question; and I say it is a misrepresentation to tell the House of Commons that there is but one opinion in Ireland in favour of this Sunday closing. But there are circumstances which have given to this Bill an importance which intrinsically it does not possess. Many leaders of public opinion,

and notably the right hon. Gentlemen the Members for Greenwich (Mr. Gladstone) and Birmingham (Mr. Bright), the noble Lord the Leader of the Opposition, and many others having observed that the majority of Irish Members are in favour of the Bill, have come to the conclusion that they expressed the opinion of the Irish people, and that such opinion should not be resisted, however much the House might dislike this Bill. I rejoice that this has been the means of eliciting from statesmen of such high authority the annunciation of a principle so indicative of an auspicious dawn on Irish politics. Those who have taken the trouble to take note of my humble career in this House will acknowledge that I have urged it over and over again in respect to the settlement of the Land Question and of the question of Education. These are questions to a well-defined settlement of which many Irish Members stand pledged, and in support of which there have been numerous public meetings held in every part of Ireland. I recollect that upon one occasion the right hon. Gentleman the Member for Greenwich entered into an argument with me, that I could not apply this general principle to the settlement of the question of Education. Well, I do not know how it is that this question has brought conviction to so many minds, although I confess it is little complimentary to the intelligence of my fellow-countrymen, as showing that in the opinion of those statesmen the only thing with which they can be entrusted is the management of their own public-houses. The recognition of the principle now will be new and surprising to the Irish people, and I appeal to the House not to signalize this new departure by a course very much like a practical joke, and give to Ireland what she does not want at all. If there has been no expression of opinion heard from the Irish people, it is because nothing has been more constantly impressed upon them, than that such expressions of opinion are of no avail. The first article of their creed is want of faith in this House; but now that this want of faith is about to be removed, you may be sure that they will speak out once again with redoubled force upon many a question, and unmistakably upon this question, when the proper time arrives. They will tell you they

look upon this Bill as one calculated to change their day of rest into a dismal Sunday; that it is designed to deprive the working population of the great towns, the cities, and villages of Ireland of the enjoyment which the sea coasts, the lakes, and the mountain scenery afford. Every man will feel that if he leaves his home he cannot be provided with refreshment; that he must stand about all day, rain or no rain, and remain upon his feet, because every place of shelter or rest will be closed against him. If any place of refreshment were opened to him the police would insist on joining him, urged on by the haggard and jaundiced emissaries of the big teapot party. This Bill really means that every working man must limit his exercise to a circle described round his own dwelling, and be satisfied with his tea in a mug. I thank the House for the attention with which it has listened to me, and I can only say that this Bill has never been brought before the people of Ireland, and as I believe they will never assent to it, I shall at every stage give it all the opposition which the Forms of this House will allow.

MR. W. JOHNSTON said, he only rose to reply to some observations which had been made with respect to the feeling of the working classes in regard to this Bill. On referring to the evidence taken before the Select Committee, he found that the Society of Amalgamated Engineers of Belfast district, representing 5,000 skilled artizans, had been asked to express an opinion upon the question, when it was found that only about 100 members were opposed to universal Sunday closing. Another witness was the sub-Inspector of Constabulary, and he, from his acquaintance with a district of 70,000 inhabitants, said the general opinion in that district was in favour of closing public-houses on Sunday. He (Mr. Johnston) had entered largely into communication with the working classes of Belfast, and he was of opinion that the great majority were in favour of Sunday closing.

DR. BRADY said, he was quite satisfied that the great majority of the people of Ireland were in favour of this measure. ["No, no!"] The discussion itself, he thought, afforded evidence of this, for during the whole afternoon not one Representative of an Irish county had spoken in opposition to the Bill, but

only those hon. Members representing cities and boroughs. An hon. Member who had spoken had declared that his constituents were not in favour of the Bill; but he (Dr. Brady) was free to tell him that they were; and if he had not found that out it was because he had not taken the opportunity to consult his constituents.

THE O'DONOGHUE said, the hon. Member's remarks appeared to be pointed at him, and he took the opportunity of denying that he had had communications from his constituents in favour of the Bill.

DR. BRADY surmised that the hon. Member could have no knowledge of what his constituents required. The hon. and learned Member for Sheffield (Mr. Roebuck) had asked what good had followed a restrictive law? In reply, he would refer him to the state of things existing before 1830. Then the public-houses were open all day on Sunday, and scenes of the greatest dissipation, drunkenness, immorality, and disorder disgraced the streets; but after the Act of 1830 all this gave place to public order, and so also the present Bill would be most beneficial to the people and to Ireland. It would offer the best example possible to the people of England, and the most happy results would be likely to flow from it.

MR. P. J. SMYTH: I wish to refer very briefly to a point of great importance, to which attention has been called by the hon. Member for Tralee (the O'Donoghue). I should not have taken part in the debate at all, but for the remark that the House is asked to pass this Bill, not on the grounds of its intrinsic justice, its necessity, or expediency, but in order to prove its willingness at all times to comply with the reasonable wishes of the Irish people—that is, in substance, to legislate for Ireland in accordance with Irish ideas. The motive of the suggestion is most amiable; but the House should not close its eyes to the fact that it leads logically to the conclusion that this House should not legislate for Ireland at all. If hon. Members are prepared to accept the conclusion, well and good, we will go into Committee on the subject; but I submit that until that time arrives the proper, the loyal, and the Constitutional course is to examine and decide upon all matters which come before this

House on their merits, taking into account, indeed, local wishes and circumstances, but mindful always that the Parliament of the United Kingdom must legislate with a view to the general interests of the United Kingdom. So long as this House continues to be the Legislature of a United Kingdom the idea that controls its legislation must necessarily be not an Irish, an English, or a Scotch, but an Imperial idea. That is the doctrine controlling the action of the House, and I am at a loss to understand why there should be a departure from it in this instance, and this instance only. It is said, I know not how truly, that England is not a country of ideas; but surely a more extravagant flight of fancy is not to be met with in the whole range of modern poetry than that this House should, would, or could legislate for Ireland in accordance with Irish ideas. Where the raw material is produced, there let it be wrought into fabrics for home consumption. But what is the Irish idea on the question before us? My hon. Friends the Members for Cork City (Mr. Murphy) and Limerick County (Mr. O'Sullivan) may claim to be as true exponents of the national feeling as my hon. Friend the Member for Londonderry (Mr. Richard Smyth). If the preponderance of Petitions is on his side, topography and ethnology are with the southern Representatives. In my view, too much stress should not be laid upon Petitions signed by magistrates, lawyers, doctors, town councillors, and officers on half-pay. I am not disposed to undervalue Petitions as a test of public opinion; but when a measure like this of class legislation is proposed, I submit with confidence that it is the opinion of the class whose interests are directly affected which should sway the decision of this House. If the Petitions are examined, it will probably be found that the signers in favour of Sunday closing are, almost without an exception, persons who never by any chance make use of the public-house either on Sunday or week-day. Their motives in petitioning are, I have no doubt, good and philanthropic; but in estimating the value of their Petitions, the House should remember that this Bill inflicts no loss or privation on them, collectively or individually, nor alters in any manner their condition of life. It leaves untouched the well-stocked cellars of the rich, it

leaves open still the door of the hospitable club or hotel; but how will it affect the working man, the man who is forced by the necessities of his position to resort to the public-house for needful refreshment? It deprives him at once of a right which he has enjoyed, a legal and natural right, which it is not alleged that on the whole he has abused, compelling him to introduce, and in a more perilous form, into the family the drink which heretofore he has been free to consume at the counter. Will that man be disposed to look kindly on the class legislation that thus abridges his liberty? Will his domestic peace and the morality of his humble household be more secure after the wife and the little children, one by one, shall have been trained to pay their furtive visits each Saturday night to the public-house, in order to procure the supply for the Sunday? At present, regularly as each Sabbath morning breaks, he hears the call of the chapel bell, and to his place of worship he repairs; but the service over, he repairs to the country, and in the afternoon he is free to take a glass of beer with friend or neighbour; but if this Bill becomes law, there is the risk at least that the bells will ring and he will not hear, and that the fields, be they ever so pleasant, will in vain invite to innocent enjoyment. The fact that Sunday closing has been voluntarily adopted in one or two counties is no argument in favour of this measure. Those counties contain no large cities. But if Sunday closing be, as alleged, a popular measure in the country, and if there be no law to prevent its universal adoption, why subject Ireland to the humiliation of being presented at the Bar of this House as a suppliant for a Coercion Act. For, disguise it as we may, this is a Coercion Act. Any Act which, levelled by one class against another, wantonly restricts personal liberty, deserves to be so characterized. To forbid a man to procure needful refreshment at a seasonable hour on any day of the week is, in principle, quite as objectionable as to forbid him to be abroad after sunset. The evidence of Mr. O'Donnell, the magistrate, before the Select Committee, ought to be conclusive as to the fate of this Bill. He proved that during the hours when the public-houses are closed there is more drunkenness in the City of Dublin than during

those in which they are open. Is it not, then, a very *reductio ad absurdum* to extend to the entire day a prohibition thus proved to be promotive of inebriety? The licensed vintners of Dublin are a respectable body of traders; no crime is alleged against them, no complaint is made respecting the manner in which, as a rule, their business is conducted; on the faith of the law as it stands they have expended large sums of money in the enlargement and improvement of their premises; and I ask if be consistent with justice or fair play, if it be in accordance with the custom of Parliament and the spirit of the law, thus uncere- moniously to confiscate their property— for, here, there is no hint of compensa- tion—and attach to them and to their calling an undeserved stigma? If drunk- enness and disorder were proved to be more rife on a Sunday afternoon than on any other day of the week, I might admit a justification for an Act of this descrip- tion, but the contrary has been shown to be the case in the speech of my hon. Friend the Member for the city of Cork. Of the numbers who use the public- house, the persons with whom the use degenerates into abuse form but a very small percentage. Let such persons be visited with the full severity of the law; but let not the innocent multitude be associated with the guilty few in one act of indiscriminate condemnation. I have examined the measure very carefully, and I find in it every fault that a mea- sure professing to aim at social reform can possibly have. It abridges liberty, it disturbs vested rights, it embitters class feelings, it imperils the family, and it aggravates the evil for which it pro- fesses to be a cure. Not by coercive enactments, nor sumptuary laws—not by curtailing the scant privileges of the people, nor harassing interference with the prosecution of legitimate trade, will the vice of drunkenness be eradicated and public morality promoted. Leave open the public-house—it is a necessity of our social state; but in juxtaposition with it throw open the public library, the gallery of art, the museum; level the barriers which exclude the people from places designed by nature for healthy recreation—and thanks are due to the right hon. Baronet the Chief Secretary for Ireland and the hon. Bar- onet the Member for Dublin (Sir Arthur Guinness) for the Stephen's Green Bill—

Mr. P. J. Smyth

look, above all, to the dwellings of the labourer in the fields and the artisan in the towns—help morality in her cease- less struggle with vice, and then we may look forward to the time when we may at least realize the picture of Burke, when vice will lose half its evil by losing all its coarseness.

Mr. KING-HARMAN said, it seemed to him that there was great doubt as to whether the people were unanimous, or nearly unanimous, in favour of the Bill. It was perfectly clear that a large por- tion of the upper and the upper middle classes were in favour of it; but he doubted whether the voice of the people generally had been sounded upon it. If it was brought forward as a tentative measure, to be passed for only three or four years, he might have been disposed to support it; but this was a Bill to de- prive the poor man for ever of his Sunday beer. He thought much might be done to decrease Sunday drinking in Ireland, without having recourse to repressive legislation. From the evidence given before the Select Committee, it would appear that in no part of Ireland did the people so little understand the art of amusing themselves as in Dublin; but, at present, if there was on Sunday a game of football or cricket going on, the police came down, and the summoning and fining of the players followed; so what were the unfortunate men to do who, not possessing comfortable homes, were deprived of the shelter of the public-house? Some harm, he allowed, was done in public-houses in some of the worse districts. Ribbonism and secret societies grew from such places; but if the authorities could be taught to see that there was not necessarily Femi- nism in a game of football on Sunday, and that cricket could be played on that day without being a conspiracy against the British Constitution, there would not be this influence in public-houses, or the necessity for this kind of legislation. In towns there was no doubt that the Sunday closing would merely lead to the purchase of drink on Saturday, and pro- bably an increased consumption among the family, which would not be likely to have a beneficial effect on the rising generation. He was certainly surprised at the very varied colours in which hon. Gentlemen opposite at different times painted the lower classes in Ireland, the contrast between the Irishman, the

boroughs desiring the franchise and Irishmen requiring to be protected from the vice of drunkenness being especially remarkable. The hon. Member for Tralee (the O'Donoghue) thought that the Sunday outings would be discouraged by the Bill; but it appeared to be rather in the other direction, for the Bill did not restrict the sale of drink on steamers and railways. If he were a publican, he should establish a pleasure steamer or two, and give to his customers all the advantages of getting drink on board. Short trains, too, would lead to a roaring trade at refreshment rooms of railway stations. He did not doubt that of late years the moral tone of the Irish people had been lowered by drink, but not so much by the quantity, as the quality of the drink consumed. He had been told by those whose business required them to be out in all weathers, that they had been obliged to become teetotallers because of the poisonous adulteration practised, and he had seen the lapel of a man's coat burnt by the drops of spirit falling from his mouth. He left the House to imagine what could have been the effect on the coats of the stomach. A more careful exercise of the law by the proper authorities would check this poisonous adulteration, and there would be no need for this legislation. The Grand Juries of counties had directed attention to the question, but the police authorities refused to authorize the Inspectors to carry out the Adulteration Act. If the duties under the present Bill were carried out on the same principle it would be a dead letter, for if they allowed the people to be poisoned by licence, they would also allow them without licence. If the people of Ireland really believed in this measure, let it be brought forward tentatively, or let it be applied to those localities which asked for it. Dublin wished to take its refreshment, and Belfast desired the Bill to be passed. Let the measure be applied to Belfast, and if its effects were undeniable it could be extended from country to town; but if, on the contrary, after two or three years' trial, it was found not to act, then drop it altogether; but they must never think they could make people virtuous by Act of Parliament. If the present system were only properly carried out, harmless games allowed, and restrictions removed, he did not think there

would be any necessity for the present measure.

MR. M'CARTHY DOWNING said, that he could not proceed with his speech at that hour, and he would therefore move the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. M'Carthy Downing.)*

MR. SPEAKER: The Motion is, that the Debate be now adjourned. [*Cries of "No!"*]

Question put.

The House *divided*:—Ayes 37; Noes 256: Majority 219.—(Div. List, No. 197.)

MR. SPEAKER: The position of the question now is this—the debate must now, according to the Standing Orders, be adjourned until to-morrow.

And it being after a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

And the other Orders of the Day having been gone through—

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 28th June, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—New Forest* (123), and referred to the Examiners.

Second Reading—Prisons (116); Public Works Loans* (88).

Committee—Norfolk and Suffolk Fisheries* (104); Local Government Board's Provisional Orders Confirmation (Belper Union, &c.)* (87).

Report—Gas and Water Orders Confirmation (Abingdon, &c.)* (66).

Royal Assent—Law of Evidence Amendment [40 & 41 Vict. c. 14]; Public Libraries Act (Ireland) Amendment [40 & 41 Vict. c. 15]; Removal of Wrecks [40 & 41 Vict. c. 16]; Quarter Sessions (Boroughs) [40 & 41 Vict. c. 17]; Settled Estates [40 & 41 Vict. c. 18]; Marriages Legalisation, Saint Peter's, Almondsbury [40 & 41 Vict. c. 72]; Local Government (Gas) Provisional Orders (Penrith, &c.) [40 & 41 Vict. c. 73]; Pier and Harbour Orders Confirmation (No. 3) [40 & 41 Vict. c. 74]; Elementary Education Provisional Orders Confirmation (Cardiff, &c.) [40 & 41 Vict. c. 75]; Gas and Water Orders Confirmation (Brotton, &c.) [40 & 41 Vict. c. 76]; Local Government Provisional Orders (Altrincham, &c.) [40 & 41 Vict. c. 77].

PRISONS BILL—[No. 116.]

(The Lord Steward.)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, that he desired in the first place to draw their Lordships' attention to certain statistics, which would show the necessity for the present legislation. It appeared from a Return made to Parliament in the present year, that the daily average number of prisoners in England and Wales in the year 1872 was 17,500, and in the year 1876, 18,986; and the daily average number during the five years ending 1876 gave a total of 18,111. The Bill dealt with prisons 113 in number, which gave on an average one prison for every 22 square miles of area, and for every 200,000 of the population. These figures, however, did not give altogether a correct idea, for the prisons were very unequally distributed in the different counties. Norfolk had as many as five prisons, whilst other counties with a greater population had only one. Rutland, with a population of only 20,000 had one prison, whilst the county of Stafford, with a population of 858,000, had only one. In some prisons the average number of prisoners was 13, in others it was less than 100, and only 11 prisons had upwards of 400 prisoners. The cost of prisons and prisoners in 1876 was £575,380. These statistics showed the necessity for inquiry and investigation. He would briefly draw their Lordships' attention to the course of prison legislation during the last few years. In 1863 the noble Earl the Secretary of State for the Colonies (the Earl of Carnarvon) moved for a Committee of their Lordships' House, which was appointed, and which included among its number several very able and experienced Members of the House. That Committee made a Report containing 15 recommendations, in conformity with which Sir George Grey in the following year introduced a Bill into the House of Commons. That Bill, however, did not receive the assent of Parliament; but in the year 1865 the Prisons Act was passed. That Act was not only an alteration in, but a consolidation of, the law relating to county and borough

prisons. It also made some alterations in the matter of prison labour and discipline, into the general principles of which he would not enter. The manner in which these principles were enforced, however, varied according to the discretion of the local authorities. What was known as the "separate system" was provided and enforced by the Act; but with regard to prison labour, prison diet, and other details, the various jurisdictions under which these prisons were administered enforced different principles. Considerable variations existed under the present system in the rules of the different prisons relating to the amount and nature of the labour required to be performed by the prisoners, the quality and quantity of the food supplied to them, the enforcement of separation, and the pecuniary profit which resulted from their labour. Now, he thought their Lordships would agree with him that if there was one matter more important than another it was that all punishment should be uniform. One sentence ought to correspond more than verbally with another, and a man in receiving punishment for his offence ought to be subjected to the same discipline in one county as in another. He thought he had shown that the Prisons Act, 1865, wise and judicious as it was, required to be supplemented by some further provisions, and those of their Lordships who took part in the administration of our local goals would feel that the necessity for some such measure as the present had been fully and clearly made out. This measure was one intended to carry out the proposals indicated in Her Majesty's Speech from the Throne, inasmuch as it was framed with the view not only of effecting improvement in the management of our prisons, but also of relieving local burdens. It was not, however, to be expected that the Exchequer would accept the whole charge for the prisons throughout the country, unless at the same time the Government assumed their management. In 1846 a system was established under which half of the cost of the food and clothing of prisoners was paid for by money voted by Parliament for that purpose; but it was felt that it was impossible to extend the system further without the Government taking, as was proposed they should do under this Bill, the whole responsibility for the manage-

ment of the prisons. Turning to the clauses of the Bill, it would be found that the 3rd and 4th clauses were the foundation of the measure; the former providing that from the time it came into operation all the expenses of the prisons were to be paid out of moneys to be voted by Parliament, and the latter providing that all prisons should be vested in and all prison officers should be appointed by the Secretary of State for the Home Department. With regard to the number of prisons, their Lordships all knew how difficult it was to induce local authorities to combine for the purpose of economy of management; therefore by this Bill, by the 33rd clause, power was conferred on the Secretary of State to discontinue such prisons as he thought were unnecessary. These were all the clauses of the Bill which he thought it was incumbent of him to advert to specially, with the exception of those which related to the Visiting Justices. It would be seen that when the management of the prisons was transferred to the Government the necessity of local control would no longer exist. By Clause 13, however, provision was made for the appointment of a Visiting Committee of Justices, who would have very high and important duties entrusted to them in connection with the management of the gaols. The rules under which the prisons were to be managed would be laid before Parliament before they came into force. One result that was anticipated from the passing of this measure was, that there would be a better and more efficient classification of prisoners than was possible under the present system. The measure had been denounced as savouring too much of centralization and as being destructive of the ancient jurisdiction of the Visiting Justices, while it would establish an undesirable uniformity in our prisons, and that on the whole it would be subversive of the position of the local gentry, which was a chief element in the power and prosperity of England. He did not think that those allegations could be sustained. The truth was that the so-called ancient jurisdiction of the Visiting Justices was really an invention of modern times, it not having been created until the year 1784, rather less than 100 years ago. Then as to uniformity, it might be a very good thing or a very bad thing,

according to the subject-matter referred to. Applied to circumstances wholly different, or only having a superficial resemblance, it might be a very bad thing; but if the circumstances were the same it was clear that uniformity must lead to advantage. In reference to the financial aspect of the question—it might be said that local administration was at least the most economical and efficient. He was prepared to show that it was far from being so. The actual average net cost of prisoners in county and borough in 1874-75 was £21 13s. 1d.; but it appeared from the Papers in the hands of their Lordships that in the county of York, which contained four county and four borough prisons, there were 2,331 prisoners. The cost of the prisoners per head varied from £15 11s. 4d. in the county prisons to £34 1s. 2d. The total cost was £56,690, but on the scale of the lowest cost it would be £40,202, or a saving of about £16,400. In the county of Nottingham there were two county prisons and a city prison; in one of the former the average cost per head was £46 15s., in the other £34 3s. 1d. Again, in the county of Lincoln there were five county prisons, containing accommodation for 472 prisoners—whereas the average number was 194, the greatest number known being 299. The 194 prisoners cost, during the year 1874, £8,430; whereas if they had been maintained at the cost per head of the lowest county prison, that at Lindsey, the cost would be only £4,438; showing a saving of cost on the three gaols—and they were within three miles of each other—of £1,608; or, if taken at the average cost of the whole county—namely, £21 13s. 1d.—of £3,408. Then, as regarded Cambridge county, there were three prisons—Cambridge county, Ely, and Wisbeach. In the first-named there was accommodation for 107 prisoners, in the second for 48, in the third for 50—making 205; but the average number was 60½, and the greatest number known was 91. The cost of the 60½ was £2,947; but if they had been maintained at the same rate as prevailed at Ely—that was, at an average cost, after deductions, of £35 10s. 10d.—the total cost would be only £2,141—showing a saving in Cambridgeshire alone of £806; and if at the average cost of the whole county, a saving of £1,648. In face of these facts, he did not think it could be contended

that local administration conduced to economy or to a saving of the money of the ratepayers. It was calculated that in carrying out the provisions of this Bill, at least one-half of the existing number of prisons might be dispensed with, still leaving one gaol to each county; and it was computed—and he considered the computation a moderate one—that the saving which would be effected by doing away with superfluous prisons would be £50,000. With regard to prison labour, it was estimated in connection with the Bill that the profits of such labour might be largely increased; and for himself he did not see any reason whatever why the work of those who were incarcerated in county and borough gaols should not be as remunerative as that of those who were in convict prisons. At present the annual cost of the county and borough prisons was estimated at £575,380; or, deducting interest on loans, £538,921, of which £110,800 was already contributed by the Treasury; but, looking to the increased profit to be derived from prison labour, the reduction of the number of gaols, and the consequent saving upon repairs, it was estimated that the total cost to the country under the Bill would not exceed £367,500. Deducting from this amount what was paid by the Treasury, there was left to be provided for by taxes a sum of £257,200. There would evidently, therefore, be a considerable saving to the ratepayers as the result of carrying out this measure. The value of labour in the convict prisons was £19 5s. per head, which was more than double the value of the labour in the county and borough prisons, and there could be no doubt that under an improved administration the value of labour in these prisons would be greatly increased. There was no reason why their labour should not be as remunerative as was that of convicts. The profit was taken at the sum of £113,189; there would be a considerable saving arising from the concentration of staffs, and also in the repairs of prisons—indeed, there appeared to be no reason why those repairs should not be effected by prisoners. He could not but think that by effecting greater uniformity in the administration of our prisons they would be giving effect to wise provisions of our prison law, that they would be able to some extent to counteract wicked-

ness and vice, and thus strengthen the administration of justice and improve the social and moral condition of the people. He begged to move the second reading of the Bill.

Moved, "That the Bill be now read 2^d."
—(*The Lord Steward*).

THE EARL OF KIMBERLEY said, that this Bill was one to which he felt considerable objection. He admitted that there were considerable defects in our system of prison administration which required to be remedied; but he did not agree with the noble Earl that if this Bill should be passed it would lead to any great benefit to the country. If no remedy could be found, except that proposed by the Bill, then it ought to pass; but he could not help feeling that means could have been found to improve and make better the management of prisons without placing the whole of such management in the hands of a central authority. The noble Earl had referred to the Act of 1865. Now that Act gave additional powers to the magistrates and to the Secretary of State for the Home Department in the management of prisons. There was to be a uniformity of diet and other things done, and he would like to know whether all the powers of the Secretary of State in that respect had been exercised? As to prison labour, were was the difficulty under the existing law of enforcing a uniform system? The Act of 1865 went a considerable way in that direction. He did not see why there should not be more uniformity in all matters without centralizing in the Secretary of State the entire management of all the prisons of the country. There was no doubt a great superabundance of prisons, and that was one of the strong points of the Bill; the number of useless prisons which existed was a positive disgrace to those who had the management of them—but even as regarded them they might have had a Schedule to the Bill, and enacted that those that were unnecessary should be closed, following up the example of the Act of 1865. Instead of that, they followed up the principle adopted by the Chinaman who burnt his house in order to roast his pig. He believed that this Bill would, instead of bringing about economy, lead to an increased expenditure. He felt alarmed at the principles on which this Bill was

Earl Beauchamp

based and at the arguments which had been offered to justify its passing through Parliament—they were principles and arguments which might lead to the abolition of local management throughout the country; at any rate, the arguments which had been used in favour of this Bill would equally apply to every branch of local administration. For instance, they would apply to the Poor Law administration, and it might be said to the Education Acts, the administration of which had become of so much importance, and as to which very extensive powers had been placed in the hands of the President of the Council. For his part he regarded centralization not as a bugbear, but as an actual evil. In France nothing was so much regretted by all sensible men as the want of those centres of local administration which they had in this country. No doubt there were advantages in centralization which local administration did not possess; but, on the other hand, there were advantages in local government which a central system did not give; and the question was, whether it could not be shown that there was a large balance of advantages in local administration. It had its advantages and its disadvantages; but what we had to do was to show that the balance of advantages was in favour of change. It must be further remembered that the Government of this country was already heavily burdened; and if Parliament went on placing on the Administration—upon the Heads of the Departments—more and more detailed business, there could be but one result, and that would be neglect in transacting it. The business would be left to subordinate officials, and there would be what would be called Executive Boards—not Boards like the Board of Trade, or the Local Government Board, but Boards that would be responsible to the Minister, who would not have time either to attend to the duties of his office, or to exercise any real control over the proceedings of these officials. Were not the great administrative Departments of the country already overburdened? And he would ask was not the House of Commons overwhelmed with business; and whether if, in addition to their present business, there were to be inquiries into the appointment of turnkeys and other prison officers, the House of Com-

mons would not find itself neglecting its legislative functions in order to discharge duties which would be much better performed by Courts of Quarter Sessions. He looked with much anxiety upon the economical reasons put forward in support of this Bill. He knew that the Bill held out a bait to the ratepayers—there was to be saved to the whole country the munificent relief of £364,000 from the operation of the Bill. He by no means depreciated such a saving to the ratepayers; but he did not think it worth making so large a change for so comparatively insignificant a saving. He did not undervalue changes which would produce economy; but when they were told that it was likely there would be a large financial gain under this Bill he very much doubted whether that would be so. He did not dispute the noble Earl's figures, but he doubted whether his prophecies would come right. He did not think the central managers would spend less money than the present local managers had done, and as to the large revenue from prison labour which the noble Earl calculated upon, he was afraid his noble Friend would find that a very serious opposition would arise to the employment of prisoners in remunerative labour—and he saw by Clause 11 that it was intended to place some limit on the nature and amount of this labour. The Government had already received a clear warning of the pressure that would be brought to bear upon them, and it furnished another instance of the danger of bringing these matters of local administration under the control of Parliament. With regard to the clauses of the Bill, he would admit that they had been carefully and wisely drawn. If, however, we were to have a centralized system in such matters—which he deprecated—the natural consequence would be to place the lunatic asylums and the constabulary under the control of the Government. Every argument which had been used for taking over the prisons applied equally to the lunatic asylums and the constabulary—and he was not aware, indeed, of a single argument that did not apply with still greater force to those branches of administration. He trusted that noble Lords opposite would turn their attention to the improvement and strengthening of our local administration, and that, so far from doing anything to

destroy local jurisdiction, they would, by means of County Boards and in other ways, strengthen a system of local self-government from which it would be exceedingly unwise to depart.

VISCOUNT HARDINGE agreed with the noble Earl (the Earl of Kimberley) as to the evils arising from centralization, and hoped that legislation which would attack our system of local administration would form no part of the policy of the Government. At the same time he contended that many of the provisions of this Bill were necessary. The evils of the present system were admitted. For instance, the only way in which the Secretary of State could act under the statute of 1865 was to recommend that certain prisons not required should be abolished; and if the county refused to adopt the recommendation, all he could do was to withdraw the Government grant; but that was a very strong measure. Therefore, looking at all the circumstances, and considering what had been said about uniformity of prison diet, and labour and management generally, he saw no other way of meeting the difficulties than by accepting the measure now proposed by the Government. The real difficulty had always been the extreme jealousy with which such changes had been received by the local authorities. In the county of Kent, not long ago, it was proposed to abolish a small prison in the Eastern Division of the county, and to build a central one, in consequence of the present gaol not having cells of a model character. This raised an immense storm of opposition — indignation meetings were held, and eventually the proposal was thrown out by a large majority. This only showed how difficult it was, under the present system, to effect the changes required. One word as to the suggested saving there would be in prison labour. He submitted that it was not fair to compare what was earned in convict prisons with what was earned in other prisons, as it was quite impossible to teach persons who were sent to prison for short periods—say for three or four weeks—anything that would be remunerative. He was sceptical as to any great saving from prison labour; and as to prison labour not interfering with free labour, he understood that the products of a prison in the northern part of the country were sold in competition with

the trades of the country. In one northern prison machinery was used, which showed the great want of uniformity of management. He had heard that the Government proposed to lessen more or less the punishment of hard labour; but if the crank, shot-drill, and other things were abolished, it would be a serious matter, because there were some hardened criminals who came to prison very frequently, and hard labour was the only thing to deter them. At any rate, they could not obtain remunerative labour out of them. As to the change which would be made in regard to the Visiting Justices, he thought that they would be perfectly willing to carry out their duties under the new system, but these, he thought, would be somewhat invidious, for their business would be to listen to trumpery complaints and report them to the Home Office. He thought, however, no better system could be devised than that of Visiting Justices, for it was necessary that there should be some authority on the spot in order to prevent various abuses springing up. He would repeat that, though he agreed with the noble Earl as to the great evils of centralization, yet he saw no other means of meeting the difficulties and evils of the present system which everybody complained of than by passing this Bill, and therefore he should support the Motion for the second reading.

LORD EGERTON OF TATTON was understood to say he did not share the apprehensions which had been expressed by the noble Earl opposite (the Earl of Kimberley), and therefore supported the Bill without hesitation.

THE EARL OF MORLEY said he did not rise to oppose the Bill, because no one could doubt the expediency of aiming at economy and uniformity in the management of our prisons; but he doubted whether it would not have been better to seek those objects in a way different from that proposed by the Bill. Indeed, he did not see why the Government should not be able to obtain both these results without any Bill at all. He shared the apprehensions expressed by the noble Earl below him (the Earl of Kimberley), and regretted that we were changing local administration with central control for central control and central administration too. He could not see how local authority would remain vested

The Earl of Kimberley

in the Visiting Justices under the Bill, for their only power would be that of making complaints to Commissioners and Inspectors, and they would have no power of giving effect to their own recommendations. The governor of a gaol, who was now their responsible servant, would be so no longer; and he could not see what authority would remain to them. The estimated economical saving was £50,000, with an increase in the profit from prison labour; but, on the other hand, there were to be Commissioners and Inspectors, a new Department of the State, and an army of superior and inferior officials, and he doubted whether any great saving would be effected. But it was still a question whether all that was contemplated might not have been attained without transferring administration from the local to a central authority. He did not see why the principle embodied in this Bill should not be applied to the police, for there was little difference between the governor of a gaol and a chief constable or the governor of a workhouse. The principle underlying the Bill went to the root of all local governments. There were advantages in classifying prisoners according to their sentences; but he feared uniformity would be obtained at too high a price. He did not entertain the suggestion that magistrates were jealous of the loss of dignity, for in many cases they would be only too glad to be rid of a by no means pleasant duty. The underlying principle of this and some other Bills—the weakening of local administration—was not a good one, and, as the Government were dealing by instalments with various matters of local administration, it was important to see that it was not carried any further. Therefore, he deprecated the passing of this Bill, because though some good might come from it, that good might be got without undermining that principle of self-government under which the local affairs of the country had hitherto been administered.

LORD HENNIKER said, he would not detain their Lordships at any great length in discussing this measure, which had been well thrashed out both in and outside Parliament; but, as a Chairman of Quarter Sessions of some years' standing, he desired to make a few observations on some of its provisions. The most serious opposition to the Bill of last year, as well as to the present, was

urged on the ground that it would lead to centralization. No doubt too much centralization would be a bad thing; but did this Bill really increase the probability of local affairs being placed entirely under the control of Government? He thought not. There was nothing in the Bill to indicate that the principle would be carried any further. It might as well be said that Government interference of any kind would lead to centralization. Again, it would be almost impossible to conduct local affairs in London. The offices were already overtaxed, and to attempt anything of the kind would bring public Business to a standstill; already a new line of Government offices had been planned for present requirements. Where was it to end if more and more public Business was to be transacted in London? He, for one, should not mind going a little further in the direction of centralization in some matters—the police, for instance; but those who disliked centralization might be sure there was not much chance of the result they dreaded. After all, what power had the magistrates in regard to prisons? Very little. Merely the appointment of officers, their payment and superannuation allowance, and so forth. The Bill gave up no great principle; but even if it gave up the semblance of a principle, what was that when weighed against the good the Bill would do? It had been said that magistrates would no longer take an interest in their business, because their sense of dignity would be offended. He was sure no really useful magistrate would act in that manner. What was the real state of the case? He had said the duties of Visiting Justices were very limited, and on that account they were very little sought after; and it ended in this—that the magistrates residing nearest to the gaol were generally appointed Visiting Justices. He used to attend the gaol when he lived near his own county town; and when he ceased to reside there, he asked to be taken off the committee in order that some one living near the gaol might take his place. He never thought of any loss of dignity occurring thereby, nor had he ever heard of the intention of magistrates to relax their efforts to perform their duties properly. Under the Bill, probably, magistrates might be less desirous to serve on a Visiting Committee; with less power there would be less desire to serve; but it would not

cause any magistrates who were really useful, and really took an interest in their district gaols to relax in the discharge of their duties. He did not for a moment suppose that any Secretary of State would frame rules that would have the effect of diminishing in the slightest degree the interest which magistrates took in the discharge of their duties. As to the supposed slur upon magistrates, he ventured to say no one could seriously entertain such an idea. The Bill would provide for a long-felt want. When he reflected on the large economies that could be effected—in such a case as the gaol at Bury St. Edmund's, in Suffolk, for instance, where there were 27 prisoners with nine officers to look after them—when he looked to the spirit of emulation which would prevail among prison officers, when he considered that a uniform system of punishment and a uniform system of management would, in all probability, have the effect of diminishing crime—he could see nothing in all that was urged against the Bill to counterbalance the good it would do. He was extremely pleased to see Discharged Prisoners' Aid Societies recognized in the Bill; but the provision which allowed the money belonging to a prisoner on leaving gaol to be handed over to a society was a very important matter. A dole to a prisoner would often take him back to his old friends or his old habits; but these societies were frequently the means of starting men in an honest course of life who, with the least encouragement would have relapsed into crime. He hoped that too large prisons would not be created under the Bill. The experience in Poor Law and other establishments had not been of a nature to encourage the concentration of many persons in the same place. It should be borne in mind that they were not dealing with the convict class only, but more especially with prisoners, many of whom might be reformed. On sanitary grounds, too, it was undesirable to bring large numbers of prisoners together. As to the superannuation of officers, he would have preferred that the Government should have paid these allowances where an officer was dismissed. At all events, it would be wiser to limit the proportion which the local authority was to contribute to the payment of superannuation allowances to officers dismissed within a short period, say, a year, or two years. Under the

Lord Henniker

Bill this remnant of the payments at present made by local authorities might, and would, no doubt, go on for years in many cases. In conclusion, he gave his hearty support to the measure, which he believed would be productive of much public advantage.

VISCOUNT MIDLETON said, that the Bill was a step, and a very decided step indeed, towards centralization. He did not think that anybody could read its provisions without seeing that that was the direct and necessary tendency of the measure. He also thought that the powers and responsibilities of Visiting Justices must, as a matter of course, be seriously lessened by the Bill. But, in his opinion, the arguments in favour of the measure outweighed any consideration which might be urged in favour of the retention of the existing state of things. Those arguments ranged themselves under these three heads—first, the economy of space; second, the concentration of prisoners; and last, but not least, uniformity of discipline. Those were all objects so valuable in themselves and so essential to the good government of prisons, that the fact that they would be practically attained, if that Bill became law, counterbalanced the objections to which he had referred. He knew of an instance of a county prison, with all the ordinary staff attached to it, in which at one time there was not a single prisoner. Nobody could say that that was a state of things which either conduced to economy, or promoted energy or efficiency on the part of the prison officials. Again, in the county with which he was connected (Surrey), there was a prison built about 25 years ago on the most approved principle, in which, he was happy to say, they had 200 or 300 cells ordinarily vacant. He hoped care would be taken not to mix up short-sentence prisoners and convict felons. He thought it was a great pity that when this Bill was introduced, certain powers which Visiting Justices formerly possessed were not renewed. The most difficult class of prisoners with whom Visiting Justices, or he thought anybody else who had to do with the management of prisons, had to deal, was the refractory, and, especially, the refractory female class. With regard to a male prisoner, there was always the alternative of corporal punishment, which generally kept the prisoner in order; but with female prisoners it was

otherwise. At the present moment there was no adequate check within the power of the magistrates upon a violent female prisoner. With regard to superannuation, he was not sure whether a prison official who had served part of his time in one prison and part in another would be able to count the whole time of his service for the purpose of obtaining superannuation. He had intended to have proposed Amendments in Committee with reference to superannuation; but as he now understood that such Amendments ought to be introduced not in this, but in the other House, he did not propose to submit any Amendment in Committee on that subject. He hoped, however, that his noble Friend would give the point his best consideration.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Friday, the 6th of July next.

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 28th June, 1877.

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS I. TO VII. AND REVENUE DEPARTMENTS.
PUBLIC BILLS—*Second Reading*—Matrimonial Causes Acts Amendment* [148].
Committee—Report—Saint Stephen's Green (Dublin) (*re-comm.*)* [216].
Withdrawn—Tramways* [165]; Maritime Contracts* [90].

QUESTIONS.

VACCINATION ACT—PENALTIES. QUESTION.

MR. GREENE asked the President of the Local Government Board, Whether his attention has been called to the meeting of the Liverpool Health Committee, reported in the "Times" on Saturday the 16th June, wherein it is stated that the father of a family of eight children had paid the fines rather than have his children vaccinated, and that no sooner did the small-pox attack one

member of the family than all succumbed and were lying in the hospital suffering from the disease; and, whether it is true that the anti-vaccinationists paid the fines inflicted on people for not complying with the Vaccination Act?

MR. SCLATER-BOOTH, in reply, said, his attention had been directed to the case, and he had made some inquiries about it. He found that the father of the family alluded to resided in the township of Toxteth Park. A short time ago one of his children caught the small-pox, and the remaining seven took the disease. None of them had been vaccinated. One of them died, and the rest were lying dangerously ill in the workhouse of Toxteth Park. The family came from Glasgow about four months ago, where, according to the father's statement, he had been repeatedly fined for the violation of the Vaccination Law; but he stated that he paid the fines himself. Cases had been repeatedly brought under his (Mr. Sclater-Booth's) notice, in which it was distinctly stated that the fines had been paid by the Anti-Vaccination Society. To what extent that had been done he had no official means of informing the House.

SPONTANEOUS COMBUSTION OF COAL —REPORT OF THE ROYAL COMMISSION.—QUESTION.

MR. CHILDERS asked the President of the Board of Trade, What steps the Government have taken to carry out the recommendations of the Royal Commission on the Spontaneous Combustion of Coal at Sea?

SIR CHARLES ADDERLEY: There were two special recommendations made in the very valuable Report of the Royal Commission over which the right hon. Gentleman presided—(1) that in order to make known the descriptions of coal liable to combustion, the Inspectors of Mines should inquire into all cases occurring in cargoes taken from their districts; (2) that exporters should record in their specifications the denomination of the coals in their cargo. The Customs at once undertook to carry out the second, and have caused a form to be filled up accordingly at entry outwards. The Board of Trade consulted the Home Office on the first recommendation, but no general rule has been found necessary. At a recent inquiry into a case of combustion before the Wreck Commissioner,

Mr. Rothery, he stated that Inspectors were not wanted, but that he had himself found this Report very useful, and, no doubt, in some cases, Inspectors might be useful assessors.

NAVIGATION OF THE RED SEA.

QUESTION.

MR. D. JENKINS asked Mr. Chancellor of the Exchequer, seeing the increasing importance of our trade to India and China by the Red Sea route, and the dangerous nature of the navigation and consequent serious loss of life and property in British ships which has taken place from time to time since the opening of the Suez Canal on approaching the African coast near Cape Guardafui, owing to the absence of a light, Whether there is any recognised authority in possession of that territory with whom Her Majesty's Government are prepared to enter into negotiations for the erection and maintenance of a lighthouse; and, if there is no such authority, whether Her Majesty's Government will take into consideration the advisability of occupying such territory as may be necessary for the purpose, and erecting and maintaining a lighthouse thereupon?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that Her Majesty's Government had for some time been impressed with the importance of the better lighting of the Red Sea. Whether the particular point, Guardafui, was the right point for a lighthouse was a question on which he understood there was some difference of opinion; but there was no difference of opinion as to the importance of making better provision for lighting that part of the coast. The Government were in communication with the Khedive of Egypt on the subject, and he hoped before long it would be in their power to come to some proper arrangement.

NAVY—H.M.S. "REPULSE."

QUESTION.

MR. P. A. TAYLOR asked the First Lord of the Admiralty, Whether he has any objection to produce the papers detailing the circumstances which led to the command of H.M.S. "Repulse" having been taken from Captain F. W. Wilson by his inferior officer Commander Vander-Meulen?

Sir Charles Adderley

MR. A. F. EGERTON, in reply, said the facts of the case were briefly these—The captain of the *Repulse* during a passage home showed symptoms of aberration of mind, and was therefore invalided, and sent home in charge of the doctor, the command of the ship being taken over by the commander. It did not appear to the Admiralty that any public object would be gained by producing the Papers, and therefore he did not propose to lay them on the Table.

NAVY—GUNNERY LIEUTENANTS

QUESTION.

CAPTAIN PRICE asked the First Lord of the Admiralty, Whether it is the case that several gunnery lieutenants are now on half pay; and, if that is so, whether, considering the expense to the State at which these officers have been trained, he will consider the propriety of appointing them as supernumeraries to the gunnery ships, or elsewhere where their special knowledge may be of service?

MR. A. F. EGERTON, in reply, said, it was true that a certain number of these officers—he believed eight—were on half-pay. It was not desirable to appoint them to the supernumerary list, as the staff for the gunnery ships was complete and fully adequate to meet the requirements of the Service. Moreover, such appointments could not be made without obtaining a Vote.

ARMY—LIEUTENANT COLONEL DAWKINS.—QUESTION.

LORD CLAUD HAMILTON asked the Secretary of State for War, If his attention has been called to a pamphlet circulated by Lieutenant Colonel Dawkins, late Coldstream Guards, on the Half Pay List, entitled "The Duke of Cambridge," and containing charges of the gravest character against His Royal Highness, as well as against other distinguished officers, his military superiors; and, whether, having regard to the whole circumstances of Lieutenant Colonel Dawkins' case, he is prepared to recommend Her Majesty to dispense with that officer's further services?

MR. GATHORNE HARDY: In reply to my noble Friend, I may state that the pamphlet circulated by Lieutenant Colonel Dawkins, entitled *The Duke of Cambridge*,

which is of a very extraordinary character, has been sent to me in common with other hon. Members. On becoming acquainted with its contents I directed that a letter should be written to Colonel Dawkins to ask him if he was really the author of it—because, of course, without proof of the authorship it would be impossible to proceed in the matter. To that letter no answer has yet been received. It was written three or four days ago. I am not quite aware of the fact, but I believe that Colonel Dawkins is not in town. I think until I have received some communication from the person responsible for the publication of a pamphlet of such a character I ought not to take any steps.

SIR ALEXANDER GORDON said, he happened to know that Colonel Dawkins was abroad.

LORD CLAUD HAMILTON: In the public interest I will repeat the Question on a future day.

RUSSIA AND TURKEY—AUSTRIAN POLICY.—QUESTION.

LORD ROBERT MONTAGU asked the Under Secretary of State for Foreign Affairs, Whether he will lay upon the Table the protest sent by Count Andrassy on June 21st to Prince Gortchakow, at Plojesti, concerning the direct negotiations between Turkey and Russia, together with the previous negotiations between Austria and England, and Despatches between Austria and England concerning the Declaration of Independence by Roumania; and, whether Count Andrassy said that he would give those papers to the Hungarian Chambers if the British Government would consent to lay them upon the Table of the House of Commons?

MR. BOURKE: I am unable to lay upon the Table the protest which in the Question of the noble Lord is assumed to have been sent by Count Andrassy. We have no knowledge of such a document. There has been no correspondence between Her Majesty's Government and that of Austria-Hungary regarding the independence of Roumania. There are, therefore, no Papers that could be presented to Parliament. With regard to the statement alleged in the latter part of the Question to have been made by Count Andrassy, we have no information.

FOREST OF DEAN — SALE OF LANDS.—QUESTION.

COLONEL KINGSCOTE asked the Secretary to the Treasury, Whether he is prepared to lay before the House the opinion of the Law Officers of the Crown as to the powers possessed by Her Majesty's Commissioners of Woods and Forests to sell land in the Forest of Dean under the Act 10 Geo. 3, c. 50, s. 98, or under any other Act?

MR. W. H. SMITH, in reply, said, he had communicated with the Commissioners, and found that the opinion of the Law Officers had not yet been obtained. There had been a conference on the subject, and when the opinion was expressed he would state the substance of it. It was not usual to lay upon the Table the opinions themselves.

ROUMANIA—TREATMENT OF THE JEWS.—QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for Foreign Affairs, Whether information has been received at the Foreign Office respecting the atrocities lately committed upon the Jews in Roumania, where, according to accounts through public and private channels, the Jews in the district of Darabina were attacked, and, without reference to age or sex, brutally ill-used, their houses sacked or pulled down, their property destroyed or plundered, and over a thousand persons, including women and children, wounded, many of whom have since died of their wounds; whether information has reached the Foreign Office of similar outrages in Jassy, where a synagogue and many of the houses of the Jews have been pulled down or burnt, their property plundered, and several hundred Jews reduced in consequence to a state of destitution; whether Her Majesty's Government will cause inquiry to be made respecting these alleged proceedings, and, if true, use their good offices to induce the Roumanian Government to punish the offenders and give redress to the injured Jews; and, whether they will at the same time endeavour to impress upon the Government of Roumania the importance and the duty of adopting a course of treatment towards the Jews in that Country more in harmony with the usages of civilised Government?

MR. BOURKE: The only Report that has reached Her Majesty's Government, with regard to the ill-treatment of Jews in Roumania, since the Reports that are on the Table of the House, is contained in a Report from the Vice Consul at Jassy, dated the 15th of April last, relative to an outrage on two Jews at Vashü by the police of that town. One of these was a Russian subject, and a representation was made by the Russian Consul to the Procureur Général upon the subject and redress was promised. With regard to the outrage said to have occurred at a place called Darabina, to which the first Question of the hon. and learned Gentleman refers, no account of that outrage has reached the Foreign Office; but the Consul General at Bucharest has been ordered to address inquiries to the authorities upon the subject, and if such an outrage has occurred representations will be made by the Consul General to the authorities upon the subject and the same remonstrances will be made by the Consul General as have been made in similar instances before.

MERCANTILE MARINE — HOLYHEAD HARBOUR—WRECK OF THE "EDITH" QUESTION.

MR. FRENCH asked the President of the Board of Trade, Whether it is a fact that the steamship "Edith" has now been allowed to remain in Holyhead Harbour, where she is sunk, for a period of nearly two years; whether any accidents have occurred in consequence of her being allowed so to remain; whether she is not in a very dangerous position, and in the direct way of the mail boats approaching and leaving the pier; and, if he can inform the House when she is likely to be removed?

SIR CHARLES ADDERLEY: The steamship *Edith*, belonging to the London and North-Western Railway Company, was sunk in a collision in Holyhead harbour on September 8, 1875, and still remains there. The only accident which has come to my knowledge is the destruction of the apparatus for raising her, which was caused by the mail boat *St. Patrick* running on to the wreck, on a calm and light morning, on the 31st of October last, and for which collision the Admiralty Court has pronounced the *St. Patrick* alone to blame. Though

this wreck is unquestionably in the way of navigation, no other craft has touched her. The owners, the railway company, and their contractors, are doing their utmost, at great expense, to remove the wreck, which they would have done already but for the destruction of the apparatus by the steamboat. They have now nearly got the gear repaired and ready for lifting the vessel. A telegram has been put into my hands in which they say that no attempt has yet been made, but an attempt will be made at the end of next week, or the beginning of the following one. The circumstances of the case are detailed in a Parliamentary Paper which was laid on the Table of the House in March last.

CRIME (IRELAND)—MURDER OF MR YOUNG.—QUESTION.

MR. E. JENKINS asked the Chief Secretary for Ireland, What steps have been taken by the Irish Executive to discover the perpetrator of the murder of Mr. Young, J.P., county Roscommon, and of an attempt to shoot a Mr. Barrett, of county Galway; whether these two gentlemen were shot at in broad daylight; whether it is not known that one at least of the outrages was perpetrated in the presence of a number of witnesses; if he would state how soon after the commission of the crimes steps were taken by the Government to discover the perpetrators; whether rewards have been offered for such discovery in both cases; and, whether there is any reason to believe that these outrages are of an agrarian character?

SIR MICHAEL HICKS - BEACH: Mr. Young and Mr. Barrett were both fired at in broad daylight, but it is not known that either of the two outrages was perpetrated in the presence of a number of witnesses. In Mr. Barrett's case it was reported that some persons were working in the fields near; they stated they heard the shot, but took no notice of it, believing it had been fired at some crows. Immediately after Mr. Barrett had been fired at two suspected persons were arrested, and another has since been apprehended. In Mr. Young's case no sufficient evidence has as yet been obtained to warrant the arrest of any person. In both cases rewards have been offered for the discovery of the perpetrators of the crime, though in a somewhat different manner.

in Mr. Young's case, in addition to a reward of £500 offered by the Government, over £1,000 has been locally subscribed for the same purpose; and I cannot but hope such an expression of public opinion, coming, as it has, from persons of all classes of society, may not be without effect, both in leading to the discovery of the murderer and in deterring evil-disposed persons in the neighbourhood from similar crime. Other steps have been taken by the Government, including the strengthening of the local constabulary force, but I do not think it advisable to state them in detail. I fear there is some reason to suppose that one of these crimes was of an agrarian nature.

**VACCINATION ACT—CASE OF J. ABEL.
QUESTION.**

MR. PENNINGTON (for Mr. Hopwood) asked Mr. Attorney General, Whether he is aware that another summons was, on the 19th instant, issued against Joseph Abel, Faringdon, for the vaccination of his child Frederick Joseph Abel under 30 and 31 Vic. c. 84, s. 31; and, whether it is discretionary with the justice, under the words "he may if he see fit," to refuse to make the order to vaccinate?

THE ATTORNEY GENERAL: I am not in possession of any information with respect to the case of Joseph Abel's child, and therefore I am unable to inform my hon. and learned Friend whether another summons has been issued. With regard to the legal point upon which I am interrogated, I beg to state that in my view a magistrate who acts under the 31st section of the Vaccination Act, 1867, acts judicially, and may make an order or not as he pleases. In this sense he has a discretion; but I consider that a magistrate who, after it has been clearly proved before him that a child has not been vaccinated, and that there is no reason why the operation should not be performed, should exercise his discretion by declining to make an order for vaccination would disregard his duty, just as much as another magistrate would disregard his who, after the commission of an offence had been clearly established by evidence, should exercise his discretion by declining to convict the offender. In conclusion, I beg to refer my hon. and learned Friend to an authority bearing on this question —

namely, "*Morisse v. the Royal British Bank*," reported in the 26th volume of *The Law Journal*.

POST OFFICE — CLOSING OF TELEGRAPH OFFICES.—QUESTION.

MR. W. BECKETT-DENISON asked the Postmaster General, If he would explain what is the reason of the issue of the circular from the Post Office (No. 10), dated the 18th inst. whereby fifty-four Telegraph Offices at stations on the North Eastern Railway have been suddenly closed to the public; whether the reason of twenty-two other offices at stations on the same Railway having, by the same circular, been reduced to offices for collection (*i.e.* despatch) only of messages from the public is that the Post Office declines to allow the Railway Company sixpence for the first mile in the delivery of messages received at such stations, and requires them to deliver the messages free of charge within that limit; and, whether, in view of the great inconvenience that will be caused to the public by this action on the part of the Post Office, the Postmaster General will take measures to restore the status quo with regard, at any rate, to the last-named stations, as soon as possible?

LORD JOHN MANNERS, in reply, explained that in several instances the Post Office having incurred the expense of opening post offices in the immediate vicinity of those stations, deemed it inexpedient to retain the offices at the railway stations in question. Careful inquiries had, however, been made in the circumstances of each particular case before a decision in the matter had been arrived at. Twenty-two other offices at stations on the same line had been closed as regarded the delivery of messages, because the Post Office had been informed by the Railway Company that it was difficult to find messengers to deliver the telegrams.

**MERCANTILE MARINE—LIME JUICE.
QUESTION.**

MR. ANDERSON asked Mr. Chancellor of the Exchequer, If he has considered the difficulty British ships trading between foreign parts have had in procuring fortified lime juice; and, if he has made such alterations in the Customs regulations as will enable them in future

to have it freely exported to them without their coming home for it?

THE CHANCELLOR OF THE EXCHEQUER: Yes. After consultation with the Board of Trade authorities and the Custom House officers, the Treasury have decided to allow lime juice, after having been fortified in accordance with the law, to be exported from the Customs' warehouses as general merchandise, and not to confine that privilege to juice intended only for ship's stores for particular ships. Orders to that effect will be given by the Custom House without delay.

THE CONFESSIONAL—"THE PRIEST IN ABSOLUTION."—QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to adopt any measure for the protection of members of the Established Church against the Confessional practices of such of the clergy of that Church as recognises the doctrines disclosed in the book called "The Priest in Absolution," having regard to the Act known as Lord Campbell's Act, which prohibits the publication of such doctrines and practices?

THE CHANCELLOR OF THE EXCHEQUER: I must confess that the last part of the Question appears to me to be not altogether intelligible. I have looked at the Act to which it refers, and I do not see that there is anything in it relating to "doctrines and practices;" but with regard to the main Question which the hon. Member puts, I do not see that there are any measures which the Government could adopt in this matter, and I must venture to express my own opinion that members of the Church will find their best protection against any mischief from the practices to which he refers in the fact of those practices having been disclosed and made a matter of public notoriety and reprobation.

ILLEGITIMATE INTESTATES' ESTATES (SCOTLAND)—PATERSON'S ESTATE.

QUESTION.

MR. ERNEST NOEL asked Mr. Chancellor of the Exchequer, Whether, considering the unanimous opinion in Scotland expressed by the votes of Scotch Members in the Division on Tuesday evening, he will recommend

the Treasury to re-consider their decision regarding the disposal of the personality of the late Mr. Paterson?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the decision of the Treasury in the case of the personality of the late Mr. Paterson was taken after full consideration, and in conformity with the usual practice of the Treasury and with the provisions of the law. It was challenged by the hon. and gallant Member for Ayrshire (Colonel Alexander); but the House, after a discussion, affirmed the view taken by the Government. Under these circumstances he did not see any reason for re-considering the decision which had been arrived at.

METROPOLIS—THE PARKS—VOLUNTEER DRILLS.—QUESTION.

MR. COOPE asked the Secretary of State for War, If he is aware of the great inconvenience that arises from the crowds of spectators in the parks of the Metropolis on the occasion of the drill or inspections of the Volunteers, making practice in battalion drill, and especially in the new formation for attack, almost impossible; and, whether he is prepared to adopt such measures, by mounted police or otherwise, as may check this evil, and enable the Volunteer Forces to carry out satisfactorily the drills required of them?

MR. GATHORNE HARDY: I must inform my hon. Friend that the Parks are under the jurisdiction in certain cases of the Rangers, and in the other of the Office of the Board of Works:—the Secretary of State for War has a jurisdiction over them. But in consequence of similar complaints to those to which my hon. Friend has referred, I applied to the Home Office in 1875, and they undertook that a mounted Police Inspector and eight policemen should attend when the Volunteers were going through their summer drill. I believe that can now be done if notice be properly given.

ARMY—OFFICERS OF THE AUXILIARY FORCES.—QUESTION.

MR. PRICE asked the Secretary of State for War, Whether any rule or minute exists at the War Department prohibiting officers of the Auxiliary Forces from holding two commissions?

the same time in different branches of those forces, and, whether it is not the case that certain officers now hold commissions other than honorary commissions at the same time in the Militia and Volunteers; and, if so, whether any special exception has been made in the case of these officers?

MR. GATHORNE HARDY: There are very few instances in which officers of the Auxiliary Forces hold two commissions at the same time in different branches of those Forces. This has been permitted by a Regulation, which says that—

“Every officer holding active commissions for more than one branch or two such commissions in the same branch of the Auxiliary Forces will elect before the 1st April, 1873, which he wishes to retain, and will resign the other, unless it be shown to the satisfaction of the Secretary of State that the relaxation of the rule in particular cases would be advantageous to the public service.”

There are also other rules of a similar character.

MARITIME CONTRACTS BILL. QUESTION.

MR. HAMOND asked Mr. Chancellor of the Exchequer, Whether it is his intention to proceed with the Maritime Contracts Bill this Session?

THE CHANCELLOR OF THE EXCHEQUER: This is a Bill which touches such large interests, and raises such important questions that, although it had been carefully considered by the Government before it was introduced, we feel it will be only right before proceeding with it to give an opportunity of discussing it before a Select Committee. We have not been able to find a day for the second reading, and at this period of the Session it is almost impossible to get the Bill read a second time and carried through a Select Committee and the subsequent stages. Under those circumstances we propose to discharge the Order.

NAVY—H.M.S. “ALEXANDRA”—THE REPORTED MUTINY.—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether he has yet received any Report from the Commander in Chief of the Mediterranean Fleet of the circumstances in connection

with the late disturbances on board Her Majesty's ship “Alexandra;” and, if so, whether he has any objection to lay such Report or further information upon the Table of the House?

MR. A. F. EGERTON, in reply, said, that no further Report than that to which he referred in reply to a similar Question a few days ago had been received with regard to the disturbance; but in a private letter from the Commander-in-Chief in the Mediterranean to one of the members of the Board of Admiralty it appeared that the first Report, of which he gave the substance in his Answer, furnished all the information which was available on the subject.

ELEMENTARY EDUCATION ACT— SCHOOL DISTRICTS IN LINCOLN- SHIRE.—QUESTION.

MR. CHAPLIN asked the Vice President of the Council, Whether any progress has been made in surmounting the difficulties in the way of the formation of school districts in the Fens surrounding Boston; and, if so, how soon the first notices of his Department with respect to those districts are likely to be issued?

VISCOUNT SANDON said, that the formation of school districts in the Fens about Boston was a matter of no ordinary complication, and he was sorry to say that when he saw his way to a settlement fresh difficulties had arisen. He could not at that moment say how soon the notices would be issued; but no time would be lost, and the difficulties would soon be overcome.

THE COLORADO BEETLE.—QUESTION.

MR. MARK STEWART asked the Vice President of the Council, If his attention has been called to a report in the “Pall Mall Gazette” announcing that the Colorado beetle has made its appearance in a district in Germany; and, if any precautions have been adopted to prevent its introduction in England?

VISCOUNT SANDON: I am not surprised that the hon. Gentleman should address to me a Question on this subject, owing to the great interest which it has excited. Since I saw the announcement in the newspapers with respect to the appearance of the Colorado beetle I have

communicated with the Foreign Office, and they telegraphed at once to the different ports to ascertain the truth of the report. I am sorry to say that this afternoon I heard they had received a statement from the Consul General at Cologne confirming the report. The telegram is as follows:—

“Colorado beetle was found with numerous larvæ, in a potato field near Mülheim. Yesterday, before the authorities, the field was fired with sawdust and petroleum. One beetle was seen on wing. It is feared the plague may spread.”

Without waiting for this answer, the Privy Council wrote at once to the Commissioners of Customs asking them to give instructions to their officers at the various ports to keep a special look out for the arrival of these destructive insects. The Commissioners of Customs have been for many years alive to the importance of this subject, and, as long ago as March, 1875, they issued a Circular to their officers to examine carefully all the potatoes that came from America, and to destroy by fire all particles of potato haulm or stalks, as well as loose soil. In November, 1876, the Commissioners issued another Memorandum, with an engraving of the beetle. We have also thought it desirable to republish at once and circulate a Memorandum issued in last October by the Canadian Minister of Agriculture, describing the habits of the beetle and suggesting the best means of getting rid of it, should it unfortunately appear. A coloured engraving of the insect is appended to the Memorandum. If my hon. Friend will look at these Papers, and thinks them of public interest, I shall be happy to lay them on the Table of the House.

EAST INDIA (MAJORS OF ARTILLERY).

PERSONAL EXPLANATION.

MR. GATHORNE HARDY said, that on Monday evening he had made a statement respecting Sir John Adye which had been variously reported. He had not meant to express his opinion as adverse to the claims of the Indian Majors, but had been, in fact, the medium of communication between the India Office and the War Office, without being in favour of the course pursued. Some of the reports might possibly have produced a contrary impression.

Viscount Sandon

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed.
“That Mr. Speaker do now leave the Chair.”

INLAND REVENUE — COLLECTION OF TAXES.—RESOLUTION.

MR. SAMPSON LLOYD, in rising to call attention to the injustice and inconvenience occasioned by compelling private individuals to undertake the collection of Income Tax, Inhabited House Duty, and Land Tax; and to move—

“That the practice of imposing compulsory on private individuals the duty of collecting Income Tax, Inhabited House Duty, and Land Tax, is unjust and inexpedient, and that Her Majesty's Government be requested to make provision for discontinuing it,”

said, that in many rural parishes under the present system there was no great hardship, because in them the duties were light, and in very large towns, such as Liverpool and Birmingham, where the duties were not light, the gain was considerable, and there was no difficulty in getting a regular rate or rent collector to undertake to collect these taxes. But there were cases of towns not of the first order in point of population, and suburban districts of the largest towns, which might be in a different county, and there very great hardship was felt. In these places a multitude of small sums, perhaps two or three thousand ranging from 6d. up to several shillings, had to be collected, and the poundage was quite insufficient to yield adequate remuneration. Independent gentlemen or large merchants, to whom it was the greatest possible hardship to be taken from their business, and also hard-worked tradesmen, were nominated to collect these taxes. If they declined they were fined £20, which was a large sum for a small tradesman, and if they escaped they had often, as he was informed, to pay black mail. He knew of more than one instance in which the choice of the persons nominated could be attributed to no other motive than spite or a desire to give annoyance. It often happened that with ~~such~~ whose responsibilities or ~~thousands of~~

pounds a colleague was associated of whom he knew nothing, who could neither read nor write, and was not even familiar with the English language. In one case a respectable chemist was appointed, and a colleague was given him who could neither read nor write. In another a gentleman went to live in Wales; he was appointed over and over again; he could not speak Welsh, and had to travel five or six miles over a mountainous district to discharge the duties of his office. In another case a man had to leave his business for six weeks, and the total amount of poundage which he received was only 36s. 6d. In another case a man out of his own resources had to pay the Commissioners £300 in advance for money he had not got in. The manager of the North Staffordshire Railway wrote to him to say that he had been appointed to collect these small sums, he had been obliged to get another to discharge the duties, and not only had he to pay the man a large sum, but he was personally responsible if the man ran away. At Stockton a collector failed, the Government had not got his sureties' bonds signed, and therefore the sureties were not liable. The Government, instead of losing the money, re-assessed the unfortunate people who had paid the tax once, and had got a receipt for the money. Several paid the tax, others resisted, and had their goods seized, one man to the amount of £20. There were many similar cases. With respect to the land tax the trouble of collection was very much increased when such small sums as 6d. had to be collected. The main objection to the income tax was much graver than that of the trouble, annoyance, and expense. It was specially offensive to a large class that a tradesman in a suburban district should have the duty of going round and ascertaining the amount of income tax his rivals had to pay, and in that way a considerable number of persons became acquainted with the affairs of their neighbours. This was a grievance which slumbered, but he had no doubt we should hear a good deal about it before long. He did not see why a man should be compelled to collect house duty, land duty, or income tax any more than he should be compelled to clean the Foreign Office, sweep the road, and so on. All he asked was that the Government should find a

remedy for the grievance. There were two or three remedies which might be suggested. In the first place, the Inland Revenue might be got to collect the taxes directly by officers of its own. But that might be considered too expensive. The clerks to the Commissioners had an interest in these things, and were opposed to reform. But if they were paid by fees for work done, he knew on very good authority that the Inland Revenue Office was perfectly willing to do the work, and all that was wanted was an enactment by which the Inland Revenue Board might unite parts of divisions for taxing purposes, whether in the same county or not. He trusted the Government, having had their attention called to the reality of this grievance, would do what they could to apply a remedy.

MR. MUNTZ seconded the Motion. He could bear his testimony to the fact not only that the grievance existed, but that it had, in fact, become intolerable. It was said to be a remnant of a very old system under which disagreeable impositions were practised on the people; but the older it was the greater the necessity for its removal. The evil might be remedied by compelling the collectors of poor rates to collect these taxes also, allowing them the remuneration that was now allowed to individuals in the way of poundage. Some of the collectors objected to take that course; but there was no reason why they should not be compelled to do it, or why, if it were necessary, an Act of Parliament should not be passed for the purpose. That course was already followed in several parishes, where one collector was employed to collect the poor rate, the house tax, and other taxes. In that way it was made worth the while for a respectable man to undertake the work.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the practice of imposing compulsorily on private individuals the duty of collecting Income Tax, Inhabited House Duty, and Land Tax, is unjust and inexpedient, and that Her Majesty's Government be requested to make provision for discontinuing it,"—(*Mr. Sampson Lloyd*,)
—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER observed, that he had very little to urge in opposition to what had been said with respect to the existing system by the Mover and Seconder of the Motion

before the House. He had more than once admitted the inconvenience which resulted from the present practice. Not only had he admitted it, but the inconvenience had been recognized by his Predecessors, and on former occasions attempts had been made to remove the difficulty by proposals to assign the duty of collection to the officers of the Inland Revenue. But those proposals, he was bound to say, had not been received with very great favour. In fact, they had been very strongly objected to, and it had been found impossible hitherto to get the officers of the Inland Revenue to do the work at all. The proposal that they should leave the collection where it was profitable, to those who now carried it on, in order that they might continue to receive the considerable sum which they divided by way of poundage, and that the Government should undertake the duty where the collection would be unprofitable was scarcely a fair one, and he thought a change, if made, must be a more general one; but difficulties had hitherto been found to impede any settlement. This, however, he would say, he had never given up the idea of making some change in the present practice, and he should be ready on consultation with the Inland Revenue Department to make a serious endeavour to meet the difficulty which had been mentioned, and of which he was perfectly sensible. The Government had hoped that the passing of a Valuation Bill might afford some facilities for making an improvement in the present state of things, and the matter had rather stood over in consequence; but he would undertake, on the part of the Government, to look again carefully into the subject, and see whether it was possible to adopt any reasonable plan which would avoid the difficulties of the present system.

MR. MUNDELLA felt a good deal of satisfaction at what had been said by the Chancellor of the Exchequer. The system complained of was made the means of extortion which rankled a good deal in the minds of those who were subjected to it. A few days ago he had put in the hands of the Secretary to the Treasury a letter from a tradesman of Sheffield who had been called upon to collect these taxes—a task which it was shown would have so occupied his time that he must in consequence neglect his own business. He asked for instructions, but was simply

laughed at, and was told if he paid so much money to a certain person he would get rid of the responsibility. One placed in that position had to employ persons in whom he had no confidence, and if those persons were defaulters he must make good their defalcations. It was hard that he should be asked to undertake duties with which he was not acquainted, and not be informed as to what the duties were, and that he should have to pay black mail to somebody else to do the work for him. It was a kind of extortion which ought to be subjected to some sort of punishment or rendered impossible.

MR. J. G. HUBBARD reminded the House, with regard to what the Chancellor of the Exchequer had said as to the Valuation Bill being a probable medium for effecting an improvement in the present practice, that with the same object in view he had himself placed in the Notice Paper a special clause to enable the local rates and the Imperial taxes to be collected through the same channel. Consequent on that Notice many Petitions had been presented from influential local bodies in support of the proposition, and he had received letters speaking of it as likely to prove advantageous both to the public and to the Government. It was a matter of Imperial importance, and ought to be considered.

MR. SAMPSON LLOYD intimated his readiness, after what had fallen from the Chancellor of the Exchequer, to withdraw his Motion.

On the Question that leave be given to withdraw the Motion, there being several "Noes"—

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed.

EAST INDIA—MR. FULLER AND MR. LEEDS—INDEPENDENCE OF JUDGES OF THE HIGH COURTS.

RESOLUTION.

MR. LOWE, who had a Notice on the Paper to call attention to a Despatch from the Secretary of State for India to the Governor General of March 22nd 1877; and to move—

"That in the opinion of this House, the power of the Crown to remove Judges of the High

Courts of India who hold their office during Her Majesty's pleasure, ought to be exercised on the same principles as if they held their office during good behaviour and not otherwise,"

said, the question he had undertaken to bring before the House was of such transcendent importance that he should make no apology to the House for bringing it in at once, omitting the circumstances out of which it arose. The subject itself was quite sufficiently large, and he should not go into the details of the occurrences which gave rise to it. Suffice it then, to say that owing to differences of opinion which had arisen between the Governor General of India and the Supreme Court of the North West Provinces, a reference had been made to the Secretary of State for India, proposing to him certain questions of very momentous importance in regard to the status and position of the Judges in India. On the despatch upon which he founded his observations—which was the last in the Papers, bearing date March 22 of this year, which raised these questions—the Secretary of State for India made what seemed to him a very sensible remark. It was to the effect that the questions submitted to him were merely speculative. They did not arise out of circumstances which had occurred in India, and which he had made the subject of another despatch, and were speculative questions. He thought the Secretary of State for India was right in saying so, and for this reason—the Judges complained of being censured by the Government for certain opinions they had expressed, but these were not judicial opinions. They were not given under the requisite protection for judicial opinion, and were not given after the hearing of both sides. If Judges chose to give opinions without hearing both sides, although their opinions might be very valuable, they were not entitled to that protection which was, and ought to be, thrown over judicial proceedings. But then what surprised one was, that as the matter was, in his opinion, merely speculative, the Secretary of State did not go on to say that as it was only a speculative question he declined to give any opinion upon it. He thought the Secretary of State for India would have taken a wise course if he had said—"The case has not yet arisen; when it does, I shall be prepared to give my opinion, but meantime I decline." How-

ever, he took a different course. He set out distinctly what the questions proposed to him were, and he gave an answer to them; and it was those questions and that answer to which he (Mr. Lowe) wished to call the attention of the House. A point more important had seldom arisen before the House than that which arose upon this Correspondence. It was infinitely larger than the Secretary of State or those who advised him seemed to have had any idea of when they entered into the question. The Secretary of State said the questions submitted to him were—(1) Whether the Judges of the High Courts were subject to the authority of the Governor General in Council; (2) whether it was within the province of His Excellency in Council to publicly approve or condemn the action of the Courts in matters which fell clearly within their functions; and (3) whether in India the Courts enjoyed the independent authority and prestige of the English Courts. He could not tell what advice the Secretary of State took in the matter; but he might not unreasonably have said they were questions to be decided not by the Secretary of State, but by high legal and judicial authorities. However, the Secretary of State appeared to have had no misgivings; he launched into the whole subject, and treated it in the most summary and decisive manner. He did not, indeed, answer them categorically; but he went into an argument in which he clearly implied that, in his opinion, the Judges of the High Courts were subject to the Executive authority of the Governor General; that it was right for the Governor General to condemn or approve the action of the Courts in a public manner; and that the Indian High Courts did not enjoy the independent authority and prestige of the English Courts. In short, all three questions were answered in the negative. It might also be here mentioned that the Governor General had also referred certain questions to the Secretary of State; whether he, the Governor General, was not, as the head of the Executive Government in India, responsible for the administration of justice; whether he had not a right to punish the Judges—the Imperial Judges as well as inferior Judges—for any miscarriage of justice, and whether he had not a right to pass public censure on them in regard

to the administration of justice if he thought proper. Neither of the despatches noticed the questions of the Governor General at all; and as the Governor General said he would go on doing as before until he was told it was wrong, it might be taken that the questions were answered in the affirmative, just as the other three questions had been answered in the negative. Such was the present state of things. Everything claimed by the Governor General was conceded; everything claimed by the High Courts was repudiated; and all that remained to be seen was the principles and reasons upon which the Secretary of State's decisions was based. The Secretary of State contended that there was a vital difference between the position of Indian and English Judges. The Secretary of State said—

“Until the Act of Settlement all English Judges held their office, as Indian Judges do now, during Her Majesty's pleasure. When Parliament desired to assure their independence and to withdraw them from the authority of the Executive, it enacted that their commissions should be made ‘during good behaviour.’ But when Parliament set up the existing High Courts of India in the year 1861, it did not think fit to adopt towards them the same policy which had been adopted and maintained towards the Courts in England. On the contrary, it was specially enacted that the Judges in all the Courts established under the Act of 1861 should ‘hold their offices during Her Majesty's pleasure.’ It appears to Her Majesty's Government impossible to treat this difference, deliberately established between the Indian and the English Courts, as accidental and inoperative. In withholding from the Indian Judges the independence of the Executive, which had been on a solemn occasion formally conferred upon the English Judges, Parliament must be taken to have fully intended the consequences of the important distinction which it was sanctioning. The right to dismiss any person holding an office carries necessarily with it a right to indicate the conduct which may, if persisted in, incur dismissal. In other words, it involves the right to approve or condemn the action of the officer who is so liable to be dismissed. . . . This appears to me to be in strict right the relation subsisting between your Government and the Judges in India. But it is not necessary for me to state to you that, as a matter of policy, any Executive action trenching on the independence of Judges in the exercise of their purely judicial functions, could only be justified by reasons of extreme necessity.”—[*East India* (Mr. Fuller and Mr. Leeds) Parl. p. 173. 1877.]

In other words, the Secretary of State for India was distinctly of opinion that Judges in India were dependent on the Executive, and did not enjoy independence; that it was lawful for the Go-

vernor General to threaten those Judges, to point out things for which he might be induced to discharge them; and that, as a matter of right, he might interfere with them in the exercise of their purely judicial functions, though, as a matter of policy, it might not be advisable to do so, except in extreme cases. Anything more important or momentous could hardly be imagined. He would endeavour to combat as well as he could those statements, and show that they were utterly groundless and fallacious. In the first place, the conclusion was not established by the premisses. The conclusion was, that the Governor General had a right to interfere in the administration of justice—that it was dependent on him, and that he had the power of lecturing the Judges publicly or privately. That, he apprehended, must from the nature of the case be a mistake, and for this reason. The Prerogative of dismissing Judges rested with the Queen, during whose pleasure they held office. But, as the House knew, Her Majesty did not exercise this or any other power, except on the advice of a responsible Minister. Now, who was the responsible Minister in the present case? Not the Governor General of India, who was a mere deputy holding delegated powers, but the Secretary of State for India. So that Lord Salisbury's argument amounted to this—that because the Queen, by the advice of the Secretary of State for India, could remove an Indian Judge, therefore the Governor General, who had no power to advise Her Majesty on the subject, should have all the power implied by the words that the Courts of India were dependent upon the Executive. It was manifest that the difference between a Minister who was responsible for the act of the Crown, and a person who acted as a deputy of the Crown with delegated powers had been overlooked, and that the authority claimed for the Governor General ought only to be exercised by the Secretary of State in Council. Therefore, accepting all Lord Salisbury's premisses, the conclusion to be drawn from them was that the Governor General had none of the powers attributed to him. But that was a very small part of the case. This matter was argued by the Secretary of State entirely on the ground of the tenure of office—solely as a question of tenure. It was said that

“until the Act of Settlement, all English Judges held their office as the Judges in India do now, during Her Majesty’s pleasure.” That statement was entirely inaccurate. It was a matter of dispute amongst antiquaries, whether from the earliest times our Judges did not hold their office during good behaviour. Hallam, Coke, and others might be cited as authorities on this point. The Act which gave the Judges their present status was the Act 12 & 13 Will. III. During the whole reign of William the Judges held during good behaviour. In such an important document, it was extraordinary that trouble had not been taken to ascertain the ordinary details relating to the question. Assuming that the Judges held office during the pleasure of the Crown, and not—as those in England virtually did—during the pleasure of Parliament, did that fact really entail all the consequences which it seemed to be supposed resulted from it? If not, there was nothing to be said. It was a purely metaphysical statement, drawn from some abstract opinion, and might have been written of some country which had no history at all. This was not a metaphysical question, to be dealt with by clever dialecticians. It was not a question merely as to the meaning of a form of words. The answer to it must be gathered from the course of English history. The notion that Judges who hold office during the pleasure of the Crown, and were by virtue of that tenure placed at the disposal of the Executive, and exercised as such no freedom in administering justice, was an absolute figment, and had no foundation in history. If the House looked carefully into the matter, they would find that it did not turn at all on the question of tenure. In fact, the question of tenure had been so little regarded, that we did not know what had been the tenure in the case of our early Judges; and it mattered not really what it was, because whether they held from the Crown or during good behaviour, the Crown being the Judges as to good behaviour, it came very nearly to the same thing. The important point was—who had the power to turn out the Judge; and the real security which our Judges enjoyed was not to be found in the words “during good behaviour,” but in the fact that they could only be turned out with the consent of the two Houses of

Parliament. In the olden times—which it might seem pedantic to refer to, but the due consideration of the question made it necessary—the thing which was looked to as the security of the integrity of the Judges was not at all the tenure, of which, as he had said, there was no trace whatever, but was the Judge’s oath. The oath was this—

“That he will serve the King and indifferently administer justice to all men, without respect of persons; take no bribe, give no counsel where he is a party; nor deny right to any, though the King, by his letter or by express words, command the contrary; and he is answerable in body, lands, and goods.”

Again and again, in arbitrary times, when the Judges resisted the importunities of the Executive, their answer was, not that their tenure was so and so, but that their oath bound them. The first case he would allude to was that of Chief Justice Hussey, in the reign of Henry VII.—one of the most arbitrary Princes who ever sat on the Throne of England. Chief Justice Hussey besought Henry VII.—

“That he would not desire to know their opinions beforehand for Humfrey Stafford, for they thought it should come before them in the King’s Bench judicially, and then they would do that which of right they ought; and the King accepted of it.”

The next case he would cite was still more remarkable, for there they found the Judges discharging the duties of the House of Commons, rather than acting as the passive slaves of the Crown. In the reign of Queen Elizabeth the Judges prayed for an audience of the Queen, and having obtained it, took the liberty of admonishing her with reference to the committal or detention of persons, by the command of Nobles or Counsellors, against the law of the Realm. It did not appear that the Queen was at all displeased with their conduct. Then, in the Case of Commendams, it appeared that the King—one of the Stuarts—signified to Chief Justice Coke, through the Attorney General, that he would not have the Court proceed to judgment till he had spoken with them. The Judges certified to His Majesty that they were bound by their oaths not to regard any letters that might come to them contrary to law, but to do the law notwithstanding; that they held with one consent the Attorney’s letter to be contrary to law, and such as they could not yield to, and

that they had proceeded according to their oaths to argue the cause. Those were Judges who probably held during the pleasure of the Crown. By the arbitrary Act of James I. Coke was dismissed for his resistance. No doubt terror was practised by the Stuarts, more or less, upon the Judges, and they were made to do things which were quite contrary to their oaths and to their sense of duty; but though these things were done, they were never done as a right, and were never justified. No one was ever bold enough to say that the tenure by which the Judges held office gave the King the right to direct them in their duty. Falkland—who shed his blood in the cause of the Stuarts—said in the course of a speech in the House of Commons, at the time of the Long Parliament, referring to Queen Elizabeth—

“The Queen, in the 29th year of her reign, erects a new office in the Common Pleas, and grants it to her servant Richard Cavendish. She sends to have him admitted. Four pre-emptory letters the Judges refuse, on the ground that the place belongs to others. At last they write that the Queen had taken her oath for the execution of justice according to law, that they did not doubt that when Her Majesty was informed that it was against law she would do what befitted her. For their parts, they had taken an oath to God, to her, and to the commonwealth, and if they should do it without process of law before them, and only upon her command put the other out of possession, though the right remained, it were a breach of their oaths; and, therefore, if the fear of God were not sufficient, they told her the punishment that was inflicted on their predecessors for the breach of their oaths in the time of Richard II. might be sufficient warning to them. The Queen, hearing these reasons, was satisfied, and the Judges heard no more of the business.”

Looking at these cases, and taking into account not the tenure merely, but all the concomitant history, it would be seen how little foundation there was for the arguments which had been used for the purpose of establishing in India a dangerous doctrine which would place the judicial administration under the heel of the Government. There was a passage which he would read from Lord Clarendon, which showed what was expected of the Judges at the time when the question of Ship Money was brought before them, and it was all the more remarkable, because it was written by one who was inclined to make as little as possible of such a matter. He said

that the people did not so much care what was done as to benevolences and Ship Money or anything else, for that it pleased them to give their money to the King; but that they drew a great distinction between the King and the Judges, and that they did not consider the Judges were covered by the authority of the King. Lord Clarendon added—

“The danger and mischief cannot be expressed that the Crown and State sustained by the deserved reproach and infamy that attended the Judges being made use of in this and the like arts of power, there being no possibility to preserve the dignity, reverence, and estimation of the laws themselves but by the integrity and innocency of the Judges.”—[Bk. I. p. 70.]

They at that time felt that the Judges were bound, just as much as we considered our Judges to be in more favourable circumstances now, to administer justice with impartiality, and the passages which he had quoted fairly showed, he thought, that the tenure on which the whole of the argument of those who took the opposite view of the question was based had nothing to do with it; and that, in accordance with the Constitution of England, it had always been held that whether a Judge held during pleasure or not, he was bound by the oath which he had taken, and liable to the most severe punishment for its infringement. In the reign of Richard II. Chief Justice Tresillian had been hanged because he had given an extra-judicial opinion at Nottingham to the King. No doubt that was an act of revolutionary violence, but what was remarkable was the ground they chose to justify their deed. There had always been respect in this country for the judicial office, and it was held that it should be independent and free, until this ground had been taken up at the present advanced period of the world. Before he closed that part of his argument he might observe that Lord Clarendon, in one of his speeches said, that the Twelve Judges were “like the support of the throne of Solomon—under the throne in obedience, but yet lions.” There were many hon. Gentlemen now in the House when the present Act for creating judges in India was passed, and he felt quite sure that if the point now at issue had at the time been raised in any way, the doctrine which was set up would have met with a most indignant negative.

Mr. Lowe

But it was said that Parliament meant to make the Indian Courts dependent on, and subject to, the authority of the Executive. Now, the only reason in favour of that view was the preservation of a tenure which he had shown to be consistent with the noblest ideas of judicial independence. But here he touched on firmer ground and escaped from metaphysics. The Commission which framed the present law never meant anything such as that for which the Government now contended. Their object was to get rid of the Sudder Court, which was an Oriental Court, and to establish a High Court much after the model of our English Courts. Under the direction of the late Master of the Rolls (Lord Romilly), Chief Justice Jervis, and many other eminent men, it was intended that the Judges should be treated all alike; and he, as a witness, could state with the greatest confidence that it never entered the minds of the Commission to found a Court which could in any way be placed under the authority of the Executive or subjected to the indignity contemplated by the despatches before the House. But it was contended that the Judges, because removable at the will of the Crown, were under the control of the Crown. But if that were so, what was to become of the Lord Chancellor? We were in the habit of looking at the Lord Chancellor as the highest of our Judges, yet he had always held office at the pleasure of the Crown. Was it, therefore, to be supposed that he was less independent than any of the other Judges, or that Her Majesty had any right to interfere with him in the administration of justice? But let him go a little further: The case of the Colonial Judges under Burke's Act was in point. Almost all the Colonial Judges at the time when he himself was in Australia held their offices during the pleasure of the Crown. Yet he ventured to say that in no respect were they regarded as being less independent than the Judges in Westminster Hall. Now, if the tenure of the Colonial Judges did not deprive them of independence, why should it be held to deprive the Judges in India? If the doctrines which he had laid down were challenged, then the same thing must be upheld in the Colonies as in that country. Were the Government prepared for that? Was there, he would

ask, anything ever done so rash and inconsiderate as to raise a question of enormous magnitude on account of a trifling squabble in a police-office court, and to take a step which ought not to be taken except on the fullest information and after the most mature consideration? No such right as that which was now contended for on the part of the Government had, he maintained, ever before been claimed by an English Executive. There was, in reality, no right to dismiss. There was a power to dismiss which, like all powers conferred by the law, must be exercised within the duty of the person exercising it and with reference to the purposes for which the power was given. Such a power would confer no right to interfere with the administration of justice. The Queen could do nothing wrong; but did that imply that a wrong would not be done if a murder were committed by the Sovereign? It implied, he contended, an absolute insult to Royalty when it was maintained that such was the absolute power of Her Majesty over the Judges that she might exercise any influence she pleased in the administration of justice. The right course for persons clothed with the power of dismissal to pursue was to guide themselves in all respects by the practice of Parliament; and if the independence of the Judges was good for England and the Colonies, why should it be an evil to India? One of the very first principles of good government was the separation of the judicial and the Executive power, and any attempt to confuse the two together was an attempt to go back to the worst and lowest periods of our history. It was said, however, that the Executive had the right to interfere. In the beginning of the last century, Holt, then Lord Chief Justice, gave a decision adverse to the decision of the House of Lords in the case of "Ashley and White." But when the House of Lords called him before it for having delivered a judgment by which he set aside the jurisdiction of the House, Lord Chief Justice Holt said—

"I hold an authority independent of yours. I gave my reasons for the judgment in that place in which I had sworn to administer justice. By the House of Lords I look to be protected and not to be arraigned, and I will not assign the reasons on which I founded my judgment."

He did not think that the power to dis-

miss a Judge gave any right to approve or condemn his conduct. In 1834 Mr. O'Connell moved for a Committee to inquire into the conduct of Baron Smith, for the purpose of his removal from the Bench, and the Government of the day agreed to support the proposal on the condition that that part of the Motion which related to the dismissal of the Baron should be dropped. In the debate which took place on the subject, the late Sir Robert Peel said, that—

“If—on light and frivolous complaints, nay, on plausible allegations of inadvertency or error—Select Committees of the House of Commons are to be appointed for the purpose of examining into the conduct of the Judges, or if those Judges may be dragged before such tribunals, you may fill your Statute Book with laws professing to secure their independence, but their independence is a hollow and a miserable phantom. . . . You must feel and know that the authority of the Judge is extinguished the moment that he is summoned before you as a suspected and accused Minister of Justice; not only is his individual character gone, but the blow you aim at him strikes at the independence and authority of the judicial station.”—[3 *Hansard*, xxi. 304-6.]

But, notwithstanding that eloquent appeal, the Motion was agreed to. Only a week intervened, however, before the feeling became so strong that the Opposition moved to rescind the vote. Sir James Scarlett, a leading authority, said—

“If the Motion were carried, all the Judges in Ireland must lose their confidence; and if they had any independence, they would all resign.”—[*Ibid.* 318.]

Mr. Shaw also expressed the matter extremely well on the 21st of February when he said—

“If the conduct of a Judge could be inquired into with any other view than to address the Crown for his removal, then he would say that the independence of the Judicial Bench was a mockery; and the statute of George III. was no better than waste paper. . . . A *prima facie* case sufficient to justify the removal of Baron Smith from the Bench ought to be made out before the House could proceed with the inquiry.”—[*Ibid.* 713.]

Sir Robert Peel spoke again, being even more eloquent than he was on a former occasion—

“He denied the wisdom—the prudence—the justice—of arraigning a Judge, unless upon some charge of personal corruption—of gross and grievous neglect of duty, warranting his removal from the Bench. . . . They had not grounds to address the Crown for his removal. Was it fitting that they should attach a label of partial infamy round the neck of this high

officer of justice, and then send him to administer the law to others? . . . If they felt in their heart and conscience that he must still continue in the administration of the trust—was it not in the public interest that he should stand apart, not only in the consciousness of innocence, but in the possession of the public esteem and respect? To appoint a Committee was evading the law . . . because if the Judge was a man of honour, and if the House implied the slightest censure against him, his own sense of propriety would tell him that he could no longer remain effective as a Judge.”—[*Ibid.* 744.]

These were the feelings of English statesmen 40 years ago; but we had fallen very far from that language when a Secretary of State could screw himself up to say that he had a perfect right to interfere with the administration of justice, and to indicate the grounds on which he would dismiss a Judge, although he confessed that as a matter of policy he had better not trench on the administration of justice except in very extreme cases. There was a statute called Burke's Act, passed in 1782, by which Colonial Governors were empowered to remove Judges, the latter being allowed an appeal to the Queen in Council. India was not included in that statute solely because it was not one of the plantations or settlements of the Crown at the time. Could it be argued that because merely by that accident India was not included, her Judges were to be placed in the position of being liable to removal at the arbitrary will of the Governor General? We had chosen to assume the enormous trust of the government of India. We could not give the Natives self-government; but though we were compelled to govern them by arbitrary power, we might give them what was the greatest check against arbitrary power—namely, a pure and independent administration of justice. It was impossible to maintain the position which had been taken up in regard to this matter. There was only one mode of getting free of the question—namely, by placing the Indian Judges in some way or another at least upon a level with the Judges in our Colonies, so that they could not be moved without having the power of appealing to Her Majesty in Council, and to retract the argument that because these Judges held their positions during the pleasure of the Crown, therefore the Governor General, who was the deputy of the Crown, should have the power of controlling and removing them. He had

brought this subject forward, not in the least with a view of making an attack on the Government or on his noble Friend the Secretary of State, but because he was overwhelmed and crushed by the magnitude of the question, which had been so lightly and inconsiderately raised, and, in his opinion, so improperly decided.

SIR GEORGE CAMPBELL said, although he was not able to follow the constitutional arguments of the right hon. Gentleman (Mr. Lowe), yet, as he had been a Judge of the High Court for some years, and had also governed a province in India, he might be permitted to state his experience with regard to the question before the House. The real point involved was that, not of turning out Judges, but of criticising their conduct. In India we had adopted a despotic government, but we might check the exercise of despotic power by setting up a tribunal which should be above the Government, and which should do justice to the people of India. Such a tribunal was set up in the last century, and was called the Supreme Court. It soon became apparent that a very high view of its judicial functions could not be maintained. A scandal arose, and it was found necessary to clip its wings, and, as a matter of fact, its power was reduced to very narrow limits. Its jurisdiction was made a personal jurisdiction of a very limited character, and it was expressly precluded by Parliament from interfering in any manner concerning the revenue of India. That, then, was a Court confined within very strict limits in its jurisdiction. But side by side with it there existed a much greater Court, with wider functions, the jurisdiction of which extended over all India—a Court which was independent of the Government, according to the system established by Warren Hastings and Lord Cornwallis, while the Sudder Courts were appointed by the Government, and exercised their functions under its control. He might compare its position to that of the English Lord Chancellor, who did not hold office by a tenour independent of the Government, but who at the same time exercised his judicial functions without any reference to the Ministry. A few years ago it was thought proper to combine the two Courts, and to form a single Court which should unite the functions of

both. The Legislature considered that it would be quite impossible to give it a position so entirely independent as that of the Supreme Court; and, when that Court was constituted, claimed for itself several very large powers of control which it had not before possessed. There was, for instance, a complete power of legislating for the High Court, the Judges of which, unlike those of the Supreme Court, were in many ways under the control of the Government, though they enjoyed much judicial independence. The result of his experience, after seeing both sides of the shield, was that their position was well understood, and that there was no imputation on their independence as Judges, though they might be liable to removal as officials. They were in no respects open to suspicion, and if they ever displayed any bias in a case in which the Crown was involved, it was almost invariably against the Government. That being their position, it was only natural that from their very independence errors would sometimes occur, or even scandals. But their jurisdiction was limited and checked in various ways. There was an almost unbounded power of appeal, and facilities not only for reviewing judgments, but even for new legislation to an extent unknown in this country. Under their peculiar circumstances, if once it were known that there was a power wholly independent of the Government, it would be necessary to double the Army. A great part of our dominion in India depended on what was called our prestige—that was, a belief in the irresistible power of the Government. It was necessary, if India was to be well administered, that the Natives should be impressed by contact with a solid and uncontrollable power, and therefore no Courts of Law could be wholly independent of the Government. No doubt, it was not likely that Judges would ever have to be actually removed for misbehaviour, but the Government could not do without the power of doing so if necessary. That was a matter of theory, but in that case the Secretary of State was justified in saying that a Judge's conduct might be criticized as though he were an English Judge. But the real question was whether criticism was to be confined to extra-judicial acts or not. He was very ready to accept the view that the judicial acts of the

Judges ought to be independent of the Government; but he was inclined to believe it desirable that a distinction should be drawn between judicial and extra-judicial acts. His own opinion agreed very much with the view expressed by Sir Erskine Perry in Council when he said that the real question was not whether the Government had a right to censure the decision of the Supreme Court of Justice or to punish inferior Judges for judicial indiscretions, but whether the Government had displayed a wise discretion, and whether they had treated Mr. Leeds, the magistrate, with justice. That view appeared to him not inconsistent with the principle laid down by the Secretary of State, that the Executive, in trenching on the domain of the Judges in the exercise of their judicial functions, could only be justified by extreme necessity. Although the right hon. Gentleman who had brought this subject before the House had not gone into the details of the Fuller case, yet, as that case had given rise to this discussion, it was right to touch upon it. He wished to apply to the Fuller case the principle he had laid down—that, though the ultimate power must lie with the Executive, that power should not be exercised except in cases of extreme necessity. In his opinion the Fuller case was not such a case. The action of the Government had been to force the magistrates to deal with a certain class of cases in a particular way, in some respect contrary to the opinion of the High Court, and he thought they had improperly censured the High Court. The ground on which the Government founded the necessity for interference was that this was not an isolated case, but one of several in which very insufficient sentences had been passed. He believed that was so, and that there was occasion for a remedy. But the proper remedy was not to censure the Judges, but to amend the law. According to the penal code of India at present, if one man struck another with the intention of killing him it was homicide, but if he had no such intention, even if death should result it was not homicide. This was a case in which it was perfectly certain there was no intention of killing, and therefore, according to the law, the offence was not homicide. He believed the law was bad, because the fear that a blow might lead to homicide prevented

many homicides. It was not the fault of the magistrates that they were obliged to follow it. But there was a great difficulty when we came to deal with European British subjects, who up to 1872, when an Act was passed in which he had a considerable share, were a privileged class above the law. Having had until lately the privileges of a superior conquering race, now that they were subjected to the law we must be very careful that the law was not strained to punish them; for, after all, there was a very strong public opinion in India brought to bear upon magistrates, who must not be forced to strain the law. It was said by the Government that if there was any doubt about the Fuller case the magistrate ought to have sent it to a higher Court. But, having great experience in such matters, he must say that was not the practice in India. The practice was that a man was not to be committed to a higher Court for trial unless the magistrate was satisfied there was evidence to convict him. In this case there was no such evidence, and therefore he thought the magistrate was right in the conclusion he had come to. There was a strong feeling in India that it was necessary to restrain Europeans from violence against the Natives, and therefore it should be made clear that no such violence would be permitted. At the same time, he would say that it was a great injustice to the administrators of the law, to the Government, and to the Civil Service of India, high and low, to suppose that there was any disposition on their part to ill-use the Natives. They had, on the other hand, a most earnest desire to protect the Natives, and any allegation to the contrary was a most unfair accusation, not justified by the facts. In this case, however, the magistrate might have failed to award adequate punishment to the offender; it certainly could not be said that he had been actuated by any unfair prejudice in favour of a European British subject. In fact, Mr. Fuller was not a European; he was what was generally called an East Indian. He was glad to observe that since the visit of the Prince of Wales to India there was an increased disposition to treat the Natives kindly, and he hoped that would continue to be the case; but in doing justice to the Natives they must be careful to do justice to their own servants, who were

Sir George Campbell

administering the government of a great Dependency far away and under great difficulties. They ought to be treated fairly and considerately in a case like this; where the law was doubtful it should be made clear, and any failure in administration ought not to be attributed to any real misconduct on the part of the magistrate.

MR. FAWCETT strongly sympathized with the Secretary of State for India, and if this Motion were pressed to a division he should support his policy; but, as the right hon. Gentleman (Mr. Lowe) had distinctly impugned the conduct of the Secretary of State, it seemed without precedent that no reply should be given to the two important speeches which had just been delivered. He could not take on himself the responsibility of defending the Government; but he appealed to the Treasury Bench, in justice to the House and to India, to say what they had to allege by way of defending the policy of the Secretary of State. If that were not done, the impression that would be produced in India would be that the Government had absolutely nothing to say in defence of his policy. A more clear, distinct, concise, and emphatic declaration of policy than that contained in the despatch alluded to had never been published in a Parliamentary Blue Book; and it was due to the importance of the subject that some defence should be made from the Treasury Bench of the policy which had been impugned.

THE SOLICITOR GENERAL said, he had certainly intended, with the permission of the House, to offer some remarks on this subject; but he thought it would have been better if some of the other Gentlemen who were going to speak had preceded him. The right hon. Gentleman (Mr. Lowe) had drawn the attention of the House to much antiquarian and interesting matter; but he would have been wiser to have applied himself to the question before the House, which related to an actual case of recent date, to which attention was first drawn by the Indian Press. He (the Solicitor General) understood that one reason for Mr. Leeds's judgment was, among other things, that Fuller was not a European, and that it was very improbable that a European would so behave. [Sir GEORGE CAMPBELL said, he was an East Indian of European extraction.] The case was

brought before the magistrate on the allegation that Fuller had caused the death of his servant by an act of unlawful violence. Fuller was waiting for his carriage, being about to go to church on Sunday, and on his servant for whom he was waiting coming up he inflicted the violence. The servant almost immediately afterwards fell to the ground and died. That was the state of the facts when the case came before Mr. Leeds. On the inquiry four witnesses were examined. Three of them stated that they saw Mr. Fuller kick the deceased in the stomach, and it was proved that death resulted from rupture of the spleen. One witness—the coachman—did not contradict the evidence of the other three, but stated that he had not seen Mr. Fuller kick the deceased. It was true, as the hon. Member (Sir George Campbell) had said, the Indian penal code did not determine the degree of criminality to be greater in the case of the death of an assaulted person than a mere assault, if there was no intention to kill, and Mr. Leeds treated this as a common assault. And now what was the error of Mr. Leeds? He took on himself to decide that the true character of the offence was simply a pulling of the hair and the striking a slight blow, and that therefore he was entitled, according to the Indian penal code, to disregard the fact of death. He made two mistakes. In the first place, he seemed to have assumed, what was contrary to all rules of evidence, that the fact that one witness out of four did not see what the other three independent witnesses had deposed to necessarily derogated from their evidence; and, in the second place, whether this was a serious case of manslaughter, or only an ordinary common assault, ought not to have been decided by himself. Mr. Leeds should have remitted the case to a superior tribunal, where it would have been decided by a Judge and jury. A similar question might arise before any stipendiary magistrate in London in the event of a charge of wounding being brought before him. Suppose in such a case, where four witnesses had sworn that they had seen a knife in the hands of the accused and had heard him use threats towards the injured party, the magistrate took upon himself to decide the question and to treat it as a common assault, punishable with a small fine.

If the magistrate took such a course he would very properly receive a rebuke from the Secretary of State; and yet it was said that by administering a similar rebuke in India there had been an invasion of the jurisdiction and of the independence of the Indian Courts of Justice. If the view which some persons had taken of this matter were correct, every magistrate would be placed upon exactly the same footing as the Lord Chief Justice of England. No such position of independence occupied by a magistrate was recognized by either the law or the practice of this country. The independence referred to by the right hon. Member for the University of London was confined to certain great officers who were entrusted with the performance of particular functions. Turning to what had subsequently happened in this matter, it was clear that Mr. Leeds had made a great mistake. That gentleman had made the excuse that he believed it to be *prima facie* improbable that a European would kick his servant in the way described. If they were dealing with probabilities, for his own part he should have thought it highly improbable that a European gentleman would pull his servant's hair or strike him on the head, and therefore he was unable to appreciate the subtle distinction which had been drawn between probabilities in the case of Mr. Leeds. Then, again, Mr. Leeds said that there were no external marks of violence on the deceased. It was, however, alleged that the cause of death was a kick on the stomach, causing rupture of the spleen. Now, a kick on the soft part of the stomach would most likely leave no marks of external violence, and therefore the reasoning of Mr. Leeds was open to considerable objection. He did not desire to be too hard on that gentleman's reasons for the decision at which he had arrived; but it appeared to him that in a case of alleged violence to a Native by a European, it became of the utmost importance that the Government of a country like India should teach the subject-races that those who occupied the superior position and possessed the education of Europeans were not allowed to abuse those advantages by behaving tyrannically to the Natives, and they would have been neglecting their duty if they had not by every means in their power sought to enforce that principle.

The Solicitor General

What did the Government of India do? They called the attention of the High Court to the circumstances of the case. And here he wished to point out that the strangest misapprehension as to what they had done had arisen. The High Court, besides its judicial functions, exercised functions of superintendence over inferior tribunals of an Executive character and the appeal made by the Government to the High Court involved the exercise of the latter to the entire exclusion of the former. Much misapprehension had arisen in consequence of these two distinct functions of the High Court being confused together. It seemed to be thought that all that the High Court had power to do was to have brought up the case to their own Court, and then to have increased the sentence, which they could only have done upon the hypothesis that the offence charged was of a graver character than that of an assault. The complaint made was not that the sentence passed was too high; but that Mr. Leeds, instead of doing what he ought to have done and remitting the case to a higher tribunal, had improperly taken upon himself to adjudicate upon it. It was this conduct on the part of Mr. Leeds that had led the Government to appeal to the Executive functions of the High Court. Those functions, which they had derived from the old Sudder Court, had cast upon them the duty of rebuking and of calling in question the conduct of the magistrates and of the other judicial functionaries throughout India; and, therefore, it was their duty in the case now under the notice of the House to have rebuked Mr. Leeds for his conduct in taking upon himself to determine a matter which he should have remitted to a higher tribunal for decision. It was the failure of the High Court to take that step and to exercise its Executive functions in this respect that had led to the Governor General of India calling their attention to the matter. To this communication from the Governor General the High Court returned the somewhat curt answer, that in their view there was nothing in the sentence that had been passed to call for particular observation. But that was not the question which was raised by the Governor General. The High Court appeared throughout this discussion to have assumed that there was only one course open to them

in the matter, and that was to treat the case as if it had been brought before them on appeal. It was a mistake to assume that that position had ever been taken by the Governor General. The point raised by the Governor General throughout had been, that the conduct of Mr. Leeds had been such as to warrant the Natives in thinking that, as the accused was a European, Mr. Leeds had chosen to treat it as a trumpety assault, when, if the case made out by the evidence of four witnesses was to be accepted as accurate, it was one of a somewhat bad manslaughter; the only ground for disbelieving their evidence being—first, that one witness did not see what they stated occurred; and, secondly, the probabilities of the case. It was a great pity that this controversy had ever arisen. But it was a controversy which had been rashly invoked by the High Court themselves, in consequence of their declining to exercise their functions of superintendence over an inferior tribunal, and of claiming for themselves absolute independence, not as regarded the exercise of their judicial functions, but of that of their Executive functions; and their doing so had given rise to this dispute, which both he and the Secretary of State for India deeply lamented should have arisen. It was necessary for the Secretary of State for India either to admit, or deny this claim, and he was quite justified in assuming the right to criticize, and even, if necessary, to censure the conduct of these judicial authorities. Without undervaluing the authority of the right hon. Gentleman, he must frankly say that he could not concur in the opinion he had expressed. What was really the matter to be discussed was the Act of 1861, which made the tenure of the Judges of India “during the pleasure of the Crown.” Those words were not used unadvisedly. Now, if any question arose as to any judicial or other office, the first question put by a lawyer was whether it was held during pleasure, or during good behaviour. It was enough to say that it was the deliberate view and intention of Parliament that the Judges in India should hold their offices during pleasure. But so far from accepting this position, the Judges of the High Court claimed to be in exactly the same position as the Judges in England. That being so, what was the

principle on which the policy or impolicy of such a system ought to be decided? It would be admitted that it might be unadvisable to make the Judges of some of our Colonial dependencies perfectly independent. Even at home some checks had been found necessary; and in 1861, an Act had been passed to take away the independence of coroners, and to make them responsible to the Lord Chancellor for the time being. Who were the Judges of the High Court? What functions did they exercise? And how were they to be made responsible? He submitted that, as a matter of fact, they were under the jurisdiction of the Executive Government, and that, as a matter of policy, they ought so to be. Was it without meaning that they held office during pleasure, according to the recommendation of the Commission, and that the Governor General was entitled to remove them, subject to the pleasure of the Crown? The right hon. Gentleman would not contest that they were liable to be removed. They presided over Courts under circumstances where they were liable to no other check than that of the Executive Government. Every act done by that Government and by the Secretary of State for India was subject to the review of Parliament, and to the action of public opinion at home. The High Court had jurisdiction over 30,000,000 of people. It was composed of five members, only two of whom had received a legal education. It had a Bar of 10 persons practising before it. There was only one newspaper published there, and no considerable European population existed. For such a body to claim to be absolutely independent of all check and control was claiming more than the Judges at home, because in this country, where all manner of checks existed, the Judges were responsible to Parliament, and might be removed on the Address of both Houses. In India the Legislative Council was prohibited from discussing anything but a Bill that was before it; and the only way in which this question could have been raised in the Council would have been by a Bill for the removal of the Judge. The Council was not like the House of Commons, which could discuss all topics of interest to the public, and there was no other institution to act as a check upon the most absolute tyranny

practised by persons in the position of Judges. When the question was put and the Government was invited to express its opinion whether these Judges were as independent as the Judges in this country, or rather more so, it became necessary, as a matter of policy, to consider what position they held. Here we had the Press and the Bar; no one could over-value the benefit which accrued to the State from the active and vigilant observance of the conduct of the Judges by a Bar able and willing to make any complaint against misconduct or oppression; and the Press gave publicity to all judicial proceedings in every kind of Court. What a contrast between India and this country! And yet it was proposed to give the High Court of India an independence which was not enjoyed by any Judge in this country. The Privy Council took no cognizance of Indian criminal cases, and with no Bar, no Press, and no European public opinion within hundreds of miles, these Indian Judges, freed from responsibility, owing no obedience, and resenting anything like criticism on their conduct, would enjoy an absolute independence which would not be conducive to the interests of India, and would encourage the Natives to believe that our one object in being there was simply to get all we could. He was not suggesting that any one of these Judges had been guilty of misconduct; but it was known as a fact that in the administration of justice Judges had been known to say that they would not believe the oath of a Native, and one Judge had been heard to use words which, if not at once checked by the Executive, would have thrown India into a blaze of revolution; and was it to be allowed that, in such a condition of things the Judges were to be allowed to exercise a jurisdiction subject to no check whatever? He regretted that the question should have been challenged at all; but when the question was raised and the Governor General and the Secretary of State were asked—"Do you concede to us that we are absolutely independent and are entitled not to be criticized by the proper Executive authorities?" only one answer could have been returned—namely, that they must be subject to the criticism of the Executive, for there was no other; but that they might rely upon its not being exercised rashly, or inconsiderately, espe-

cially as it would itself be exercised under the supervision of the British Parliament, and if anything improper or oppressive was done a remedy could easily be found in the censure of the Minister.

SIR HENRY JAMES said, he agreed with the hon. and learned Gentleman in feeling deep sympathy with the Governor General of India and the Secretary of State in their endeavours to secure full justice to the Natives. There were portions of the Minute of the Governor General claiming full justice for the Natives of India, in which every Englishman would fully and entirely concur. So far as the policy pursued with regard to the magistrate who had tried this particular case was concerned, he (Sir Henry James) took no exception to what had fallen from the Solicitor General. He admitted that the Governor General was entitled to criticize the conduct of Members of the Supreme Court, though whether that would be an Executive or a judicial function might be open to doubt. Lords Salisbury and Lytton regarded it as Executive; but, supposing it to be judicial, the most that could be said would be that the two had been confounded, and the matter would not call for discussion, because no one would censure a Minister for such a mistake. Having, in his first despatch, approved the policy of Lord Lytton in the Fuller and Leeds cases, in the second, Lord Salisbury proceeded to answer the demand made upon him to define the position of the members of the Supreme Court. In this purely speculative despatch he laid down what was the position of the Judges in relation, not only to this case, but also to all others; and it was to the principle embodied in the despatch that he took exception. The hon. and learned Gentleman had not dealt with this despatch, to which the terms of the Motion were directed. The definition that was given affected not only Judges in India, but every Judge that held office at the will of the Crown, for the same words in an Act of Parliament could not have a different meaning in different Colonies; and, if the definition given were correct, it would be binding upon every Governor in every Colony and dependency where there were Judges holding office at the will of the Crown, and would justify each Governor in acting according to his own

discretion. It was this that made the question so serious. If the House of Commons thought it right to say, that which his hon. and learned Friend had not ventured to say—namely, that they agreed with Lord Salisbury—of course the responsibility would rest with them; but he trusted that either from the Secretary of State himself, or some other Member of the Government, there would come an acknowledgment that the terms of that despatch could not be supported. Of course, if a Judge flagrantly misconducted himself, or was manifestly unfit for office, he ought to be removed; but the position taken up by Lord Salisbury appeared to him to be unconstitutional, inasmuch as he claimed the right for the Executive Government to interfere with the Judges in the exercise of their purely judicial functions, though he limited that interference to extreme cases. In so speaking of Lord Salisbury's despatch, he (Sir Henry James) was not carping at words, but merely reproducing the sense of a passage which could not be explained away. In the same despatch Lord Salisbury declared that the right to dismiss any person holding office carried with it the right to indicate conduct which might, if persisted in, incur dismissal, or, in other words, the right to approve or condemn the action of the officer who was liable to be dismissed. Now, he (Sir Henry James), whilst admitting the full right of the Executive to dismiss a Judge for misconduct or unfitness, protested against the proposition that the power to dismiss gave also the power to approve, sanction, or condemn. Some hon. Members who considered the question in a perfunctory way, might feel disposed to support Lord Salisbury on the ground that the Home Secretary interfered with magistrates. But, in the present instance, the House had to deal with Judges appointed under the Patent of the Crown, which entirely altered the case. Besides, he very much doubted whether the power exercised by the Home Secretary was at all of the same nature as that which the Indian Government claimed. If it was necessary, as a matter of policy, that there should be a power of interference given to the Executive, it ought to be done by legislation. But at present this was a question of a constitutional right. These Indian Judges were appointed by the Crown under the Act of 1861, and were

to hold office at the will of the Crown; and the meaning of the words "at the will of the Crown" was well defined by the Constitution. It was necessary to consider the history of the position of the Judges prior to the usurpations of the Stuarts. That history, he thought, was not very clearly to be found anywhere. Hallam said that before the time of James I. the office was held "during good behaviour;" but he failed to find the authority on which that statement was made, and he was inclined to think it ought to have been "at the will of the Crown." After Magna Charta there was always the greatest jealousy shown that the Judges should be able to fulfil the promise given in it, that justice should not be sold or denied. As early as the reign of Edward III. the oath administered to a Judge was that he—

"shall indifferently administer justice to all men, as well foes as friends, that shall have any suit or plea before him, and this he shall not forbear to do though the King by his letters or by express word of mouth shall command the contrary."

In the same reign, the principle that the Crown should not interfere with the Judges in their judicial functions was laid down in a statute, and there were many other statutes to the same effect. In one case it was enacted that penalties should be inflicted on the Judges if they listened to the commands of the Crown. It was not till the time of the Stuarts that the Sovereign claimed a right of interference. The hon. and learned Gentleman (the Solicitor General), who was as well versed in Constitutional history as any Member of the House, must feel a pride not only as a lawyer, but as an Englishman, when he thought of the protests that were made against the usurpations that were attempted in those times. When James I. asked merely that the delivery of a judgment might be postponed, Chief Justice Coke refused to give him a promise that he would delay, even for a day, the exercise of his judicial functions. In supporting the claim of the King, Bacon admitted that, as between subject and subject, there was no right of interference, and maintained merely that the right existed in matters in which the prerogatives of the Crown was attacked. In the case of the Indian Judges there was a general right of interference claimed, and that went far beyond the

worst claims of the Stuarts. There might be a feeling of sympathy with Lord Salisbury and Lord Lytton in their endeavours to see full justice accorded to the Natives of India; but was a consideration of that description sufficient to warrant interference with the Judges by any Governor General or any Executive in the exercise of their purely judicial functions? Policy had been spoken of; but in relation to the aspect of the question, was it not fatal to say that the Natives were not to have anyone standing between them and an arbitrary Government? It might be necessary that the Executive Government of India should be carried on with some degree of arbitrariness; there had been Governors General in India who had exercised arbitrary powers towards the Natives, and there might be such Governor Generals in the future. Well, were they to be allowed to send directions to the Judges as to how they were to administer the law? He knew that it was not only the European community in India who were shocked at the despatch of Lord Salisbury, but also the intelligent Natives, who never knew in what position they would be placed if the independence of the Judges were assailed, and who were as anxious as the Europeans for that independence. They had protested against the despatch, and were most anxious that the independence of the Judges from the Executive should be secured. They knew that those Judges were, for the most part, men of superior acquirements; that they were men who went out from England to India without prejudice; and that they were men of independent character. When Natives were made Judges it was a proof to them that we gave Natives some part in the administration of justice, and placed them, to some extent, upon an equality with ourselves. The Native Judges had many great attributes. They were quick to learn, intelligent, retentive in memory, and capable of making nice distinctions in legal matters. But there was one defect in them which anybody must recognize—there was a want of independence in them. It might spring from the nature of their Asiatic race, or from the fact that they were a governed, instead of being a governing race. He would ask the Friends of India who talked so much of their desire to assist the Natives of

India, what would be the result, if they told a Native Judge that he was to depend on the interference of the Executive Government; that they could censure him, could degrade him, could suspend his pay one day, and could restore it the next. He would be as obedient as possible to the Executive. He would watch the tendency of the Governor General, and act accordingly. This was an important feature of the question, and should not be lost sight of by those who defended interference with the Judicial Bench. In this despatch Lord Salisbury assumed that, wherever there was a power to remove a Judge, there was necessarily a power to approve or condemn his conduct. That, he (Sir Henry James) thought, was a most serious proposition. He took the position of the Executive Government to be, in relation to the Indian Judges, exactly the same as the power of Parliament was in relation to the English Judges. That which Parliament could do the Executive could do, and that which Parliament could not do, the Executive could not do. The position of Judges in India was in all respects as independent as that of Judges in England. So anxious was Parliament at the time to avoid the errors of the Stuarts, that it took from the Crown the power of removing Judges. If good behaviour was dependent on the judgment of the Crown, it was exactly the same thing as being at the will of the Crown. There was an authority which would commend itself to the House generally, and to hon. Members opposite, which laid down that proposition very clearly, and must receive the approbation of everyone. The Duke of Buckingham, who was at the time Colonial Secretary, had to deal in 1868 with the question of the judicial arrangements at Singapore, and he said—

“Her Majesty’s Government are fully alive to the importance, or rather to the paramount necessity, of enabling the Colonial Judges to administer law in all cases which may be brought before them without any prospect or apprehension of direct or indirect interference from the Executive.”

In the time of Lord Althorp a Motion was brought forward to censure one of the Irish Judges. Sir Robert Peel made a most convincing speech against the claim put forward to censure and degrade the Bench, and that Motion was

Sir Henry James

lost by an overwhelming majority. The House had never deviated from that time from the proposition confirmed by the vote on that Motion. In 1872, when the hon. and learned Member for Limerick (Mr. Butt) brought forward a Motion with respect to the Galway Election Petition and Mr. Justice Keogh, an objection was taken to the form of that Motion, on the ground that it did not speak of the removal of a Judge. The hon. and learned Member at once admitted that he would not take a middle course, because, if Mr. Justice Keogh was fit to be censured, he was not fit to be a Judge. He hoped he had sufficiently guarded himself from being supposed to be making an attack against the intentions of those who had framed this despatch, or even to be criticizing in a hostile spirit the policy which dictated it; but against the wording of that despatch, and the principles contained in it, he felt it his duty to speak as earnestly as he could. The Government need not feel any humiliation in admitting that the terms of that despatch could not be constitutionally justified. Those who had been in office knew how easily mistakes of this kind might be made. Everyone might have to ask forgiveness, and they must give and ask for pardon by turns. This despatch could not be supported, and the Government had not yet been pledged by the Solicitor General to support it. He hoped that the strong hand which tore up the first Fugitive Slave Circular would also tear up this despatch. Even if, for the moment, Lord Salisbury himself would have to say that the despatch could not be supported, he felt sure that the noble Lord would be generous enough, to accept that proposition if he saw that by making the admission he secured the establishment of full constitutional right for the sake of the independence of the Judges of the land.

SIR WILLIAM HARCOURT said, he would not have put himself forward in this debate if it had not been—what rarely happened to him—he was unable entirely to concur with the views of his hon. and learned Friend the Member for Taunton (Sir Henry James). He was entirely of his hon. and learned Friend's opinion, that in the despatch of Lord Salisbury some indiscreet expressions had been used; yet, on the other hand, the absolute affirmation of identity in

the position of the Judges in India and the Judges in England was a position which could not be sustained, and any attempt to enforce it would lead to very great difficulty, and, he might say, to very great danger. The contrast of the absolute assertion made on the one side and the other in this matter reminded him of a celebrated constitutional controversy between Pitt and Fox with reference to the Regency Question. Fox maintained the absolute right of the Prince of Wales to the Regency, while Pitt said the Prince of Wales had no more right to be Regent than any other person. Both these assertions were wholly wrong and unsound. He ventured to think that this debate ought not to be confined to mere technical considerations, but that it had a much larger scope, and it was impossible to apply to India their own sage maxims of constitutional law, however much they might respect them. The question was part of a great controversy, and not merely one of judicial functions; it was a claim on the part of the Civil Service of India to exercise a kind of control over the Executive Government, and he could not believe that this would result in any advantage to the Native population. As the House was aware, the question had been made a lever for an attack upon the Executive, upon Lord Lytton and Lord Salisbury, which he (Sir William Harcourt) believed to be profoundly unjust and exceedingly mischievous; and he hoped it would not go forth that the House of Commons had sided with the violent attack which had been directed by the Civil Service of India against the Governor General and the Secretary of State. He was sure that his hon. and learned Friend would disclaim any such intention; but, unless they took pains to express their opinion clearly, great mischief would arise. He did not wish to say anything offensive to the Civil Service, but he could not overlook the fact that in every dominant race a tendency towards oppression would show itself; and whatever question of constitutional law might be involved, the real controversy was, whether the Executive should or should not hold its strong hand over the Civil Service, and prevent its falling into that besetting sin. The discussion, however, could not be narrowed to that one point. He had listened to the conditions men-

tioned by his hon. and learned Friend the Member for Taunton, and to his speech about the Stuarts, Lord Coke, and Bacon. He fully concurred with him, but failed to see how those matters applied to the particular question. The great offence of the Stuarts was that they tried to apply despotic principles to a free country; but how could any such consideration affect their judgment on the principles which were to govern India? India was not a constitutional country, and though he did not undervalue constitutional principles, he could not accept the proposition that they ought necessarily to underlie the government of all countries. It had been contended that the Judges of India were absolutely as free from control as they were in England, and that no treatment short of dismissal could influence them. But his hon. and learned Friend argued that the conduct of Mr. Leeds was wrong, and that he ought to have been dismissed; in that he could not agree with him, holding that, though his conduct was wrong, the punishment suggested was wrong also. He only wished to point out that the course pursued was not desirable, and a practice so Draconian in its severity would not be beneficial to India. His hon. and learned Friend had said that they could meddle with Judges in England, but not in India; but what did that mean? If the Government in India were to have no control over them, who was to deal with them? Parliament certainly was not to exercise control. Were they going to erect the Judges in India into a power superior to the Executive, superior to the Governor General, superior to the Secretary of State, and superior even to Parliament itself? He had a very high respect for the Judges who were under the control of the public opinion of a free country; but he was not disposed to repose confidence in Judges who were absolutely uncontrolled in the distant regions of the East. There was a tendency in certain quarters to deify a man the moment he was made a Judge, and they were apt to imagine that, from that moment, he was removed from all the vices and faults that belong to human nature. But the fact was—which his hon. and learned Friend seemed to forget—that a Judge was a man, and might commit errors even when he was called a Judge. Why

they should suppose that the moment a man became a Judge he was fit to be entrusted with absolute, uncontrolled power he could not understand. He was an enemy to all forms of despotism, and this would be the most dangerous, oppressive, and mischievous of all. What did they mean by a despotic Government? They meant that the Executive was supreme. What did they mean by constitutional Government? They meant that the government was restrained by Parliament and by public opinion. The question, then, was—Did they, or did they not, admit that India was despotically governed? If they said that India was constitutionally governed, he would admit all that his hon. and learned Friend the Member for Taunton had said; but if they admitted that India was despotically governed, then the analogy which had been drawn between India and a Constitutional Government was altogether inapplicable. They were told they must have the Constitutional Judge to stand between the Executive and the Natives of India; but why were they to assume that the Judges would stand between the Executive and the Natives? The Judges themselves were members of the dominant caste—the most distinctive element of that dominant caste—and what was the power which alone could and would be disposed to stand between the Judiciary and the Natives? It was the Executive Government in India, which had the great advantage of being short-service men—men who had come from England fresh with the instincts of a free country, without the prejudices which belonged to the dominant class; they were the most likely to stand between the Judiciary and the Natives. He attached great importance to the principle of short service and to the fact that the men went out fresh, as it had been said, from a bath of liberty in England. They went to India with the principles that actuated England at home; they had not had time, under the enervating influence of the climate, and the still more enervating influence of a dominant class, to forget the principles on which the government of India was founded. They had to deal, no doubt, with a very difficult problem, but they did the best they could; they must try to balance these enormous powers; but he must object to the ere-

Sir William Harcourt

tion of a despotism which had never yet been known—the despotism of a Judiciary uncontrolled by a Bar, uncontrolled by public opinion, and uncontrolled by the Press. That a man should say—"I am a Judge, I cover myself by that veil, I do what I like, I am not responsible," that was not a system to establish in India; and, without defending every expression used in the despatch, he must say it seemed to him that substantial justice had been done in a matter of immense importance. Absolute and uncontrolled power on the part of the Judges seemed to him incompatible with their rule in India, and he would therefore be no party to passing a censure on the Government of India.

MR. FORSYTH said, no one could be more jealous than he was of the interference of the Executive with the Judges; but, after a careful consideration of the circumstances of the case, he had come to the conclusion that the despatch of the Secretary of State for India was entirely right. The Governor of the North West Provinces had, for his own information, applied to the High Court for their own opinion respecting the propriety of the sentence passed. They should have declined to give any opinion: they, however, replied to the effect that the sentence, though, perhaps, lighter than the Court might be disposed to fix, under the circumstances, did not appear to be especially open to objection. The letter, to which that was an answer, was a semi-official letter, and the opinion expressed in the reply to it was simply an unofficial opinion. The point was not one brought before the High Court in its judicial character. When the question came before the Government of India they used these very mild terms—

"The Governor General in Council cannot but regret that the High Court should have considered that its duties and responsibilities in this matter were adequately fulfilled by the expression of such an opinion."

But it should be remembered that this was not a question brought before the High Court in their judicial capacity. If the High Court was asked to express an informal opinion, surely the Governor General, if he thought that opinion wrong, was justified in saying so? With regard to the general question, he could not put the Judges of the High Court

in India precisely on the same footing as the Judges in this country. There was, in the first place, this remarkable difference—that the Judges in this country held office *quamdiu se bene gesserint*, while the Judges in India held office *durante bene placito*. In this country the Crown could not dismiss a Judge, except upon an Address from both Houses. But in India there was no House of Commons, nor was there any public functionary or organ which could advise or rebuke a Judge, except the Viceroy; and a milder admonition, with regard to the course which he thought ought to have been pursued in the present case, than that given by the Viceroy could not have been expressed in language. Even in this country, the fact that a Judge could only be removed on an Address by both Houses of Parliament did not prevent the House of Commons from calling in question the conduct of a Judge. For instance, in 1770, Serjeant Glyn moved in the House of Commons for a—

"Committee to inquire into the proceedings of the Judges in Westminster Hall, particularly in cases relating to the liberty of the Press;"

when, in the course of a long debate, the conduct of Chief Justice Mansfield was severely censured by the Mover, and by Dunning and Burke, "while," as Lord Campbell said, "it was stoutly defended by Gray, Attorney General Thurlow, Solicitor General, and Charles Fox." If they in that House might call in question the conduct of a Judge without intending to move an Address, why might not something similar be done in India? He should certainly oppose the Motion if it could be pressed to a division.

MR. HERSCHELL said, they must discuss this question as one wholly independent of the claim set up by the Civil Servants of the Crown, and they must, moreover, consider to what the second despatch of Lord Salisbury would lead if it were carried out to its full extent. His hon. and learned Friend (Sir William Harcourt) had said that the Government of India was a despotic Government, and its treatment must be different from that of a constitutional Government. But surely it was a question, if you were to govern a country despotically, how far you must leave that despotism unchecked, uncontrolled, and

unfettered. Was it not desirable to fetter that despotism with some of those checks and safeguards which had been found useful in this country, which was governed constitutionally? Unquestionably, the sentence in this Fuller case was one which came within the judicial discretion of the Judge, if he honestly and fairly exercised that discretion; and however much persons might dispute the expediency of the sentence, there was not anything in it so extravagant as to show that the Judge did not desire to do justice between Natives and men of his own race. Hence the extreme importance of Lord Salisbury's second despatch, which laid down this—that the power of interference and censure on the part of the Executive was a power which ought to be exercised only in cases of extreme necessity. But what did Lord Salisbury mean by "extreme necessity," according to his own interpretation of the words? He meant that in every case in which the Judge exercised discretion it was in the power of the Executive to punish him for the sentence he had pronounced. Admitting that where there was no Parliament the Executive must exercise control, the next point they had to consider was to what extent, and in what direction, was that control to be exercised. When it was urged that Judges in India were free from the popular criticism and control which existed in England, it might be said that the same was true also of the Executive Government in India. The Indian Executive was all-powerful, and not under the same criticism as the English Executive; and, therefore, while there might be danger in leaving the Indian Judges too uncontrolled, there might also be a similar danger in the case of the Indian Executive. He hoped that such a public sentiment was making way in India as would render it less likely now than ever that Englishmen, when dealing judicially with a Native, would deal with him differently from what they would do with a European. But Judges in India were not all of the dominant race; some of them belonged to the subject-race, if so it was to be called; and this fact rendered the despatch the more dangerous, and made it important it should be understood that if those powers were to be exercised in India, which were not exercised in England, they would at least be

Mr. Herschell

kept under the strictest and most rigorous control and inspection. If the Executive was to be interfering constantly with the Judiciary, perhaps from over sensitiveness in favour of the Native—for such a thing was possible—it should be remembered that they might have a recoil in the opposite direction, when those who might think the Native had got more than his due would seek to get for the Englishmen perhaps, more than his due. The great object should be to hold the scales fairly between the two classes, and deal with them as if they were both of the same race. They should guard not only against favouring the strong against the weak, but also against favouring the weak against the strong; for as much mischief might be done by the latter as by the former; and it was a remarkable fact that among the earliest warnings given in the Books of Moses to a Judge as to the performance of his duty was this—"Thou shalt not respect the person of the poor, nor honour the person of the mighty." Admitting that there must be the right to dismiss a Judge for misconduct, he asked—was there necessarily involved in that the right, not only to censure him, but to prescribe a course of conduct? Because that was what was implied by the despatch. The next time a man exercised his judicial discretion, there was the danger that he might not act impartially, according to the best of his own judgment, but with an eye to please the authorities of Calcutta. If, excepting in the case of absolute misconduct, the Executive were to point out to a Judge that a certain course of judicial conduct might lead to his dismissal, that would tend to sap the independent judgment of the tribunals. Instead of censuring a particular Judge for giving a particular sentence, the Government, if they had deemed it necessary, could have issued a circular on the subject to Indian magistrates generally.

INDIAN CIVIL SERVICE—ADMISSION OF CANDIDATES.—OBSERVATIONS.

MR. LYON PLAYFAIR rose to call attention to the new regulations in regard to candidates for the Indian Civil Service; and to move—

"That the regulations for the Indian Civil Service fail to fulfil the conditions laid down

when it was opened for public competition, 'That the regulations would deal fairly by all parts of the kingdom and all places of liberal education,' inasmuch as they practically exclude the Scotch Universities, the Queen's Colleges, Ireland, and similar institutions in London and the provinces, from participation in the preparation of candidates, either before or after competition; and because they will act injuriously by tending to withdraw youths from public schools at an early age in order to place them under a course of special training for the entrance examinations."

The whole subject was one of great importance, for it involved the future judicial and fiscal administration of the Indian Empire. It was not only of much interest to this country, for these important offices in India had become, by open competition, the inheritance of the whole nation, and not of a class. The influence which it had had upon the education of the middle classes was far from inconsiderable, as it had broadened our idea of school training all over the country. It was necessary to understand the present plan before they could approach the effect of the changes under the new regulations. The existing system was this—Any person might compete for the Civil Service of India between the ages of 17 and 21, and about 250 candidates competed, though only 30 or 40 were passed annually into the Civil Service. After the candidates were entered they became probationers, and received £150 a-year for two years, in order that they might be able to pursue their technical studies, and if they were then successful they could go to India. The change now proposed reduced the maximum age of 21 years to 19, and the candidate could not receive the £150 unless he studied at the University. These were the two changes proposed, and he hoped that Lord Salisbury had not made them without great consideration. His Lordship submitted three questions to the Indian authorities. The first was—"Does the system of open competition answer well, and are you getting good officials under that system?" The unanimous reply from India was in the affirmative, and Lord Salisbury, of course, took no action on that. The second question was—"As it is important for young men to go out early, ought the maximum age to be reduced from 21 to 19?" That was a serious change, which would alter the whole character of preparatory education for the Civil Service in India. Lord Salis-

bury, in his despatch, said that Indian opinion was divided, because 38 were in favour of raising the age, and 27 for lowering it; and as they were so nearly balanced, he was obliged to act on his own opinion and that of his Council. That, however, was a most inaccurate way of giving the result of his inquiries, because a large proportion were in favour of leaving things as they were. The opinions were asked of 110 persons, including Judges, Members of Council, Governors, and Civil Servants. Of these, 41 were for leaving things as they were; 41 were in favour of raising the age to 22, 13 for making it 20, and 15 in favour of making it 19. So that the result of the whole of the Indian evidence was that 95 were against the age Lord Salisbury had adopted, and only 15 in its favour. So that Lord Salisbury was technically right in saying that Indian opinion was divided, though it was divided into two very unequal parts. But were English authorities in its favour? First of all the Civil Service Commissioners gave the most cogent reasons why the age of 21 should be retained in preference to 19; but Lord Salisbury said that the Universities were in favour of reducing the age to 19. There were 10 Universities in the United Kingdom, but Lord Salisbury only wrote to two, Oxford and Cambridge. Of those, the latter gave no opinion at all; and at Oxford Dr. Liddell said, reduce the age to 19. The other eight Universities were not consulted at all; so that when Lord Salisbury said the Universities were in favour of the change, he meant that Oxford was in its favour, for the other nine gave no opinion at all. He (Mr. Lyon Playfair) believed that this change arose from the double position Lord Salisbury held—he was Secretary of State for India and also Chancellor of Oxford. His Lordship naturally attached great importance to the distinguished University of which he was the head, and so the Chancellor of Oxford, moved by Oxford, reduced the age to 19 to suit Oxford. Oxford, in his opinion, was wise and India foolish, otherwise Oxford would not have prevailed. On the next point Lord Salisbury did go according to Indian opinion. He asked—"Do you attach much importance to University association and training for the men who go out to India?" and the great majority of the India reporters

were in favour of that. The fact, however, was, that they were thinking of Haileybury in the olden time, and the *esprit de corps* which they got there, and which was so valuable. But that was exactly what they would not now get with the maximum age reduced to 19. The result would be that Oxford, with her wealthy University chest, would, as she was already doing, set up an Indian curriculum, with Indian tutors. Cambridge, which, as an University, was less wealthy, but which had rich Colleges, would do the same in probably a less degree. Then, probably, out of 80 probationers of the two years, 40, if not 50, would be supplied by Oxford, 20 by Cambridge, and the remainder would be dribbled in ones and twos over the Scotch, Irish, and the London Universities, Owens College, Manchester, and the Leeds and other Colleges. This might easily have been avoided. Association might be secured by a monopoly given to a single College at Oxford or Cambridge, but disassociation must result from freedom, even for the several Colleges of a single University to participate in the training. That was pointed out clearly by the Civil Service Commissioners, when the scheme was first broached in 1864. They showed that it might produce University feeling, but could not effect the Association of Haileybury. But University training could be had either before or after competition. Up to 1864, the maximum age had been 22, and then Oxford and Cambridge sent two-fifths of the candidates. On the reduction of the age to 21 they ceased to do so to a large extent, because as Undergraduates entered at 19, they could not graduate before 21. This reduction did not operate against the Scotch and Irish Colleges, as they entered students at 17, who could graduate at 20, and either enter the competition directly or go after a special training of six months. For this reason, both Scotland and Ireland sent many more candidates than corresponded to their population. Now, all that Oxford and Cambridge required was either to shorten their curriculum, or to receive Undergraduates intended for competition at an earlier age than at present. That, in fact, was contemplated in the impending reforms for those Universities. All that was necessary would have been to give 500 or 1,000 marks to all men who

were B.A.'s from any part of the Kingdom. That would have given a great stimulus to candidates from Oxford and Cambridge, and the other Universities would have had a fair chance also. But Lord Macaulay had insisted on the importance of having general before technical education. That was the experience of all professional training—a good *studium generale* first and technical training after. On that point, too, Indian opinion was very emphatic. Out of the 110 Indian reporters, no less than 101 said that the two years of probation were wholly required for such technical subjects as English, Anglo-Indian, Hindu, Mahomedan, and Roman Law; Indian History and Geography and Political Economy. But all that was new to Oxford and Cambridge. Their glory was to teach learning for its own sake, and regardless of its appliances, and now, regardless of their peculiar genius, they were going to convert them into mere technical schools. They could only do that also by tempting them with £12,000 of public money to become technical schools with a practical monopoly. This was, moreover, entirely contrary to the principle which the eminent Committee of 1854 laid down for the Civil Service in India. That Committee included Lord Macaulay, Mr. Lefevre, the father of the hon. Member for Reading, and other persons eminent for their knowledge of India, and they took the greatest trouble in forming a scheme. The principle laid down was that no part of the Kingdom and no school should be exclusively set apart for the Civil Service in India, and their rules accordingly dealt fairly with all parts of the Kingdom. The effect of the new scheme, on the contrary, would practically shut out all the Universities except Oxford and Cambridge, as they would not find it worth their while to set up an Indian curriculum with Indian tutors, and that being so Lord Salisbury would very properly not recognize them. The Scotch and Irish Universities, as he had shown, could not compete for the probationers, and they were now shut out from preparing them before competition. Because as their students could only graduate at 20, they could not now send students as before between 17 and 19. It was clear that candidates must now begin their special preparation at 15 or 16, a year before they could even

Mr. Lyon Playfair

enter the Universities. But what did Lord Salisbury himself say as to the effect of Scotch Universities on the history of our Indian Empire? His words were—

“It was undoubted that most of the great men to whom the Indian Empire was owing were Scotchmen, and that the Scotch Universities had done a noble work in preparing the Civil Servants for the administration of India.”

Then why exclude them for the future? Another effect of the change which he objected to was that it offered great facilities to the rich and shut out the poor. Hitherto the Scotch and Irish Universities had been remarkably successful in sending out poor men. But neither Scotland nor Ireland had great public schools like England, and it was owing to their Universities that poor men could get a good education. But in the future these could be of no use as regarded our Indian Empire to the poor inhabitants of those countries. It was a mistake, however, to suppose that the English public schools would be benefited by the new regulations. He had no doubt that it had been thought in the India Office that Eton, Harrow, Rugby, and other of our great schools would be able to send up men direct, but they had not been able to do so; the crammers had been able to beat them entirely, and they would do so in future. He had Lord Salisbury's authority for saying that the crammers must in the end win and remain masters, both of the schools and the Universities. To take a boy away from school and all his early associations, to deprive him of his best years of bright boyhood, and to place him in the hands of a crammer, was one of the most deplorable results of these new regulations. Lord Salisbury and his Council were, no doubt, much influenced in their change by the terrors that London was a bad and dangerous place for the training of probationers. The professed “moral responsibility” of Oxford and Cambridge had charms for him. He would not believe the Civil Service Commissioners when they said they had ascertained no evils of a London residence. Their words ought to be before the House—

“Further reflection and observation have tended to confirm the Commissioners in the belief that young men who have already given the best proof of steadiness and self-control by success in an arduous Commission, a system under

which they are left free to choose for themselves the place and manner of their studies, is a better preparation for the perfect liberty which they are so soon to enjoy in India than any supervision that the discipline of a College could supply.”

If there were any real dangers in a London residence, the new Regulations would increase them tenfold, because in future they were likely to apply to the great proportion of the 250 candidates who come up to the London Special Trainers, and not only to the few probationers. For by the new system they brought boys to London at a very much younger age, before they had attained any stability, and when the perils of London would be infinitely greater to them. But had London done such harm in the past? The Civil Service Commissioners stated in their Report that they had never had to refuse a certificate of good conduct to a probationer. He wanted to know what were the recommendations by which this change was supported? He had shown that they did not come from India—indeed, that Indian opinion was against the change. His complaint was best summed up in the terms of the Resolution of which he had given Notice; but which the Forms of the House prevented him from moving.

MR. HERMON protested in the strongest manner against the important business of the evening—namely, the consideration of Votes in Supply—Votes which the Government stood in need of if they were to avoid national bankruptcy—being interfered with, if not wholly thrown aside, by no fewer than 35 Motions. The right hon. Gentleman had devoted a great deal of time to this question, and he had delivered an able and interesting speech, and he wished the speech had been made on some night when the House was not asked to vote money. He hoped the money would be voted that night, and that the Estimates would not be deferred to a late period of the Session, when there would be no opportunity for discussing them.

MR. ANDERSON pointed out that the complaint of the hon. Member for Preston, that Supply was delayed by these Motions, was not well founded, it having been the immemorial practice of the House to discuss grievances before Supply, and the Government having through a recent concession the power

to take as many Mondays as they pleased for the Estimates, when only grievances pertaining to those particular estimates could be brought up. His right hon. Friend had been deprived, by the action of the Government, from bringing on the Motion the last time it was on the Paper, and therefore Government could not complain of his doing it now. His right hon. Friend's able speech had been thrown away, for not only was he unable to take a division upon the subject, but very few of his Colleagues upon the front Opposition Bench had been present to support him, and six out of the seven or eight Members of the Ministry present had been fast asleep the whole time, and yet the speech was one well worthy of attention, but a debate always fell flat if a division could not be taken on it. The right hon. Gentleman had exposed the extremely insidious plan which had been devised by the Secretary of State for India who was the head of Oxford University, and who nominally in the interests of India had adopted a plan which was really prejudicial to India and would do no good to anybody except the University of Oxford. It was, in fact, an insidious plan for benefiting Oxford at the expense of all the other Universities and Colleges in the Kingdom.

LORD GEORGE HAMILTON said, that the right hon. Gentleman (Mr. Playfair), in his otherwise fair speech, had made one observation which seemed to be quite uncalled for, and it was that the duties of Secretary of State for India and Chancellor of the University of Oxford were incompatible. He also insinuated, as did also the hon. Member for Glasgow (Mr. Anderson), that Oxford, and Oxford alone, owing to his noble Friend's position as Chancellor of that University, was to get the benefit of the changes referred to. He regretted that the right hon. Gentleman had thought it right to impute such motives to a Minister of the Crown. What the Secretary of State had mainly to consider was the interests of the Indian Civil Service. When Lord Salisbury came into office the system of competitive examination had been in existence for some time. It was, however, represented to him that the present system of training through which all candidates after competition had to pass was not the best that could be devised. Lord

Salisbury took opinions on the subject, and an overwhelming preponderance of representations came to him from India that the association of candidates after they had passed their examination would be most desirable. Under the former system every candidate was obliged to live in London for two years. He had no doubt that, on the whole, they behaved very well; but he would appeal to the parents of young men to say whether, if they had sons between 18 and 21, they would like under such circumstances to turn them loose in London for two years with the knowledge that the only control exercised over them during that period would be a periodical examination? Lord Salisbury kept the system of competitive examination intact; but he found that the only way to obtain the advantages of association was to induce the young men to go to the University. It was then necessary that the limits of age should be reduced, and the Secretary of State reduced the maximum age from 17 to 19, instead of 21. He accordingly laid down the rule that they must go to some College—giving a broad and liberal interpretation to the selection—and he said that only those who complied with this condition should have the allowance of £150 a-year, now given to them during their period of probation. It was never intended that this rule should exclude either the Irish or Scotch candidates. Dublin University had not protested against this arrangement, nor had he heard that either the Queen's Colleges or the Scotch Universities had been prevented from sending up their quota for the competitive examinations. There were probably certain institutions to which young men went at certain ages, and they might be affected by the new limits of age; but it was an entire delusion to suppose that the reduction of age would affect the candidates who came up from the Scotch Universities. He believed that the great majority of them left their Universities under the age of 19. The real complaint against the proposed alteration on the part of the Scotch Universities was that candidates would not be able to take their degrees previous to passing the competitive examination by which they could alone become eligible for the Indian Civil Service. He repeated, that what the India Office had to think of was the interest and con-

Mr. Anderson

venience of the Civil Service, and the majority of the India Council agreed with the Secretary of State in thinking that association was absolutely necessary for these young men. If this association could only be accomplished by reducing the age, the Secretary of State was bound to do what was best for India, even if it affected the interests of some Educational institutions. The scheme had not yet come into operation; but if it were found to be attended with prejudicial results, it would be proper and opportune on the part of the right hon. Gentleman to point out its disastrous effects. At present, to speak of such results, was prophetic anticipation. The best consideration had been given to the Regulations, which it was believed would operate beneficially, and which were not intentionally framed to exclude either Scotchmen or Irishmen. If in their operation they were found to have such an effect, representation of the fact would be listened to, and such alterations made as would remedy the evil.

MR. W. E. FORSTER acknowledged that in troubling the House with any remarks on that occasion he did so on personal grounds, because he was connected with one of the Scotch Universities—namely, that of Aberdeen, and he had had an opportunity of finding out what sort of men went to Scotch Universities, and, in his opinion, the hard work they had there fitted them for service to their country afterwards. That being so, they had to consider what was the effect of this Minute on those men. The noble Lord had said that they were not affected at all. They were affected very much indeed. The noble Lord said that they might get their education before they were 19; but at the present moment they passed their degrees at the University first, and then came up for examination. It was impossible for them to subject themselves to this examination and then go to the University afterwards. The effect of this system would be to exclude the students of Scotch Universities from the part which they had hitherto taken in the Indian Civil Service. One-tenth of the whole came from the Scotch Universities, and they would all acknowledge the ability with which that Service was conducted. The question was whether they would support and endorse a system the practical working of which would

be to throw the Indian Civil Service into an Oxford or Cambridge College, more probably into an Oxford College? He did not consider that the argument for the association of young men before they went out to India carried conviction with it; for how could they secure association? The system might result in a special Oxford College for the purpose of the Indian Service; but he ventured to think it would be better if students had been left to run their chance of competing in an examination in London. He believed that some people entertained the idea that the moral conduct of the students would be better preserved by their being at Oxford rather than in London; but if they were so weak in their *morale* that they required that protection, so much the worse for the future government of India. He trusted that the scheme would be regarded as purely tentative, and he doubted whether this particular plan of giving a monopoly to a particular College of Oxford would answer.

CAPTAIN NOLAN said, the idea of there being any association necessary for the training of young men for the future government of India was a bit of nonsense. The simple question was whether a monopoly should be given to the English Universities. He had gone through a competitive examination, and he thought the examinations ought to be open to all young men who believed they were competent to go through the ordeal, and that they should not be confined to the sons of the great and independent, who had influence which was used for their relatives or friends. Some slight concession had been made by the Government to the Irish Universities; but the appointments were reserved principally for Oxford.

SIR CHARLES W. DILKE remarked that all those who had spoken against Lord Salisbury's scheme had spoken on behalf of Scotland and Ireland, and not of England. He believed that English University opinion was by no means unanimously in favour of Lord Salisbury's scheme. That opinion rather was that the attendance of students of one particular class at the University, taking no part in its ordinary work, would be a curse to the University and no great advantage to the students.

MR. LAW observed that if the facts stated by his right hon. Friend (Mr.

Lyon Playfair) were correct, the opinion of those most competent to judge—namely, the Indian officials—had been given decidedly against the proposed change. Lord Salisbury thought it important to have the opinion of these officials for his guidance, and it now appeared that 95 were against the reduction of age and only 15 in its favour. If that were so, why should the opinion of those Indian officials be completely disregarded by the noble Lord? The proposed change would be a most serious interference with the interests of the Scotch and Irish Universities. He hoped the proposal would receive more consideration before anything was done in the matter.

VOTES ON ACCOUNT.

MR. RYLANDS said, that he understood Army Estimates were not to be taken, and that the House was asked to resolve itself into Committee for the purpose simply of voting large sums on account of Civil Service Estimates. He wished, therefore, on his own behalf, and on behalf of several hon. Friends near him, to enter a strong protest against the course which the Government intended to pursue. He had placed on the Notice Paper a Resolution on the subject which the Forms of the House did not allow him to move: it was to this effect—

“That it is not expedient, at so late a period of the Session, to grant any further Votes on Account for Civil Service Estimates.”

In preparing that Resolution he had followed the exact words used by the right hon. Gentleman the present Home Secretary, in a Motion which he brought forward on May 25th, 1871, and which he supported in a speech strongly condemning the Liberal Government for proposing Votes on Account at so late a period of the Session. But they had now arrived at a month later in the Session, and there was all the more reason why the House should resist the proposals of the Government. In 1871, when the right hon. Gentleman (Mr. Cross) brought forward his Motion, it was received with quite a chorus of approval from the Conservative benches. The hon. Member for West Norfolk (Mr. Bentinck) complained of the great abuses which must necessarily arise from deferring the full consideration of the

Estimates by passing Votes on Account. The present First Lord of the Admiralty took the same line, and the right hon. Gentleman the senior Member for Oxfordshire (Mr. Henley), with his usual terseness and clearness of expression, condemned the practice of discussing the Estimates at so late a period that they might be said to be shuffled through the House rather than discussed; and he expressed the suspicion that the Estimates might be purposely delayed from the desire of Ministers to shut the mouths of private Members who wished to bring forward Motions on going into Committee of Supply. Let the House remember the position in which they were placed in this matter. There had already been a large sum granted in Votes on Account at the beginning of the Session, amounting to £3,606,000, and there was, no doubt, a justification for that proceeding in consequence of the operation of the Exchequer and Audit Act, which compelled the surrender of unexpended balances at the close of the financial year. It was therefore necessary, in order to meet the current expenditure, for the Government early in April to ask for Votes on Account in anticipation of Committee of Supply on detailed Estimates. He did not object to that course provided only a moderate sum were asked for; but the case was altogether different at later periods of the Session. The Government now asked them to vote at the end of June the sum of £1,327,910 on account of Civil Service Estimates, which was equal to five or six weeks expenditure, and if it were granted, what would be the consequence? Most probably that the consideration of Civil Service Estimates would be thrown over to August, when it would be utterly impossible to give them any serious attention. Probably they would be hurried through in a small and jaded House, upon a Morning Sitting on a Saturday in the first or second week in August, when the slightest attempt at discussion would be resented as an intolerable nuisance. They would probably be told, as was customary upon these occasions, that it was an “Imperial necessity” to pass this Vote on Account to meet the Engagements of the Government at Quarter Day; but who were to blame for the existing difficulty? Clearly the Government themselves, by the way in which

they had managed the business of the House in postponing Supply to this late period of the Session. They might have availed themselves of several Mondays which they had devoted to other Business not of a pressing character. Take, for instance, the Prisons Bill, for which there was no urgent necessity, but which had occupied at least two Mondays which might otherwise have been devoted to making considerable progress with the Estimates. The other day, on a public occasion, the Chancellor of the Exchequer alluded to the large amount of time which had been swallowed up by the Prisons Bill, and to the probable large demands upon the national funds which would result from that piece of legislation. The right hon. Gentleman was no doubt right in his statement; but, without dwelling upon any individual case, it was quite evident that the Government by giving precedence to Committee of Supply might have prevented the House being driven into its present position. The practice of Votes on Account was so objectionable that it would be right to take strong measures to put a stop to them; and he was convinced that if the Vote were refused on the present occasion, although there might be some temporary inconvenience to the Government Departments, there would be a final stop put to the vicious practice in future Sessions.

THE CHANCELLOR OF THE EXCHEQUER said, he could see nothing practical in such speeches as that to which the House had just been listening, which took up a good deal of time, and which stood in the way of the very thing which the speakers themselves contended ought to be done. They were all agreed that one of the most important duties of the House of Commons was to canvass the Estimates in Supply, and any Government that attempted to prevent the canvassing of the Estimates would be guilty of great misconduct. But the Government had, as a matter of fact, done all they could to bring in Supply on various occasions since the opening of the Session. Indeed, he would venture to say that in no previous Session had the House been so often invited to go into Committee of Supply. When, however, Supply was put on the Notice Paper as the Business of the evening, the time was occupied in discussing Motions of various kinds—a course to which he

offered no objection—until near 12 o'clock, when it was urged that it was too late to proceed with Supply. It was not, therefore, the fault of the Government that they were not able to get into Supply. It was not by any action of the Government that that night had been occupied with other matters than Supply, and on other occasions they had been prevented from going into Supply in consequence of the tiresome debates that had taken place on such unimportant subjects as the Queen's Plates and Secret Service money. On one occasion no less than six-and-a-half hours had, he recollected, been consumed in getting through five Votes. If that was the course to be pursued, the House must make up its mind to sit, not only into August, but into September, and it was very probable as it was that the Session would be an unusually long one. It was absolutely necessary to take Votes on Account, otherwise the money would not be forthcoming with which to pay the current services of the country. Next Monday a fresh quarter would be commenced, and the ordinary quarterly payments would become due; and he wished to know whether the House desired that the Government should tell the Civil servants that they could not pay their salaries because the House refused to vote the money for them? He could assure them that he was not at all anxious to take Votes on Account, because by doing so an opportunity was afforded to hon. Members of raising the same objections to a Vote over and over again. The Government had endeavoured ever since Friday, the 16th March, to bring forward the Civil Service Estimates, but without success. It was not the fault of Government that different subjects had been brought forward for discussion on going into Supply, because they had no power to prevent such subjects being brought forward. The result of the course which had been taken in the present instance by the hon. Member would be, whatever might be his intention, simple obstruction, and it seemed like an attempt, under the guise of trying to get forward, to prevent them from getting forward. Under the present system of surrendering the balances at the end of the year, the Government must ask for Votes on Account, otherwise they could not carry on the business of the country. What

remedy did the hon. Member propose for it? Were the Government to abolish the system of surrendering the balances at the end of the year? [Mr. RYLANDS: No!] Did he mean to limit the power of hon. Members to move Amendments on the Motion that the House do resolve itself into a Committee of Supply? [Mr. RYLANDS: No!] Then what did the hon. Member mean? Was the House before it began any legislative measures to pass all the Votes in Supply? If so, he was afraid there would be an outcry against the Government for endeavouring to curtail the sitting of Parliament. The real truth was, that if the House desired that its Business should be properly conducted, it must assist in doing it properly, and hon. Members must not come forward, as the hon. Member for Burnley had done, obstructing, and not facilitating business. The Government had already overdrawn to a certain extent, and if this Vote on Account were not passed the greatest irregularity would result, and the public service must necessarily suffer.

MR. DILLWYN said, it was for the Government to say how they would obtain money. The Government were responsible for the conduct of Business in that House, and it was their duty to facilitate it, instead of which they occupied the Morning Sittings with measures that were of no importance. The present Government had the whole time of the Session at their disposal, and what legislation had they to show for it? He might be called obstructive. But the real question was, whether or not the House was to control the supplies? He thought it could not do so if the Votes were taken at so late a period in the Session and in a lump sum.

MR. GOLDSMID maintained that the statement made by the Secretary of the Treasury in regard to Civil Service Estimates in the early part of the Session had materially facilitated the progress of the Estimates. The best way to get through Supply would be to have Morning Sittings, at which it could be taken.

THE MARQUESS OF HARTINGTON said, he thought his hon. Friend the Member for Burnley (Mr. Rylands) was not deserving of the censure which the Chancellor of the Exchequer had passed upon him. The right hon. Gentleman had addressed the House at considerable

length, and did not appear to be exceedingly anxious to go into Committee of Supply. He (the Marquess of Hartington) did not think that when a Vote on Account was asked for they were wasting time in asking whether the Business of the House had been conducted in the most satisfactory manner. There was a Standing Order that on Mondays no Motions could be brought forward on Supply except in relation to the Estimates, and the Government had not availed themselves of the facilities given by that Order. At a very early period of the Session they had asked for Morning Sittings; but they had used these Sittings for the purpose of advancing Bills which, in the opinion of a considerable number of Members, were of no great importance, and not in taking Supply. On the evenings of the days on which Morning Sittings were held the House was generally counted out, and Members who were thus prevented from bringing forward their Motions naturally took advantage of the first night when Supply was down to bring them before the House. It was the conduct of the Government and not the conduct of the House which had rendered it necessary to make this demand for a Vote on Account which the Chancellor of the Exchequer admitted was objectionable.

MR. BUTT thought the charge of obstruction made against the hon. Member for Burnley was perfectly unfounded. He was not obstructing the business of Supply, but obstructing a Vote on Account to which they all objected. They understood that the business of the night was to be the Army Estimates, and not one of these Motions could have been brought forward if the Government had taken the Army Estimates. He thought it was better that legislation should be postponed than such a violation of the Constitution should occur as the House losing control over the Army Estimates. If he withdrew his opposition to the Vote on Account, he should like to know if the Government would name a day on which the Estimates would come before the House, so that they might have an opportunity of discussing them? Take, for instance, the Irish Education Estimates, on which there were important Motions that they desired to have the opportunity of discussing.

The Chancellor of the Exchequer

MR. GATHORNE HARDY expressed a hope that the Business of the evening might proceed without heated controversy between the two sides of the House. He would remind the noble Lord opposite (the Marquess of Hartington) that eight Mondays had already been taken in Supply. On two of them the Army Estimates had been set down with the unusual result that only two Votes had been obtained on each occasion, while to-night Supply had not yet been reached. As for the present state of Business, the interests of the private Members seemed to him to be as much concerned as those of the Government. That night there had been 32 Motions on the Paper, and nobody knew beforehand which of them would be taken. Surely some remedy for this state of things was desirable? It was now the intention of the Government to proceed steadily with the Estimates, and he could assure the hon. and learned Member for Limerick (Mr. Butt) that the House would have a full opportunity for discussing the various items. He hoped that that evening the House would grant the Vote which was so necessary for the carrying on of the public service.

MR. PARNELL wished to remark on, not to say contradict, the statement of the Chancellor of the Exchequer as to the vast amount of time expended in discussing the Secret Service Vote, and also the Vote for Queen's Plates for Ireland and Scotland. He (Mr. Parnell) was in the House that night, and there were just two hours spent on the Secret Service Vote. Many of the speeches were of 10 or 15 minutes' length, and on his own part he spoke only five minutes. It was a subject of great interest, and the Chancellor of the Exchequer must agree that the time was not ill-spent. As to the Queen's Plates Votes, the Scotch Plates were discussed by Scotch Members almost entirely, and the next Vote was opposed by the noble Lord sitting just behind the Treasury Bench (Lord Randolph Churchill), and his speech much exceeded in length that of any other speech made during the evening by any Member in connection with the Secret Service Vote. Those two Votes did not take much more than an hour, so that when the Chancellor of the Exchequer threw up his hands and called upon the House to bear witness

to the time wasted it was quite unnecessary. He hoped the hon. Member for Burnley (Mr. Rylands) would not be deterred from doing his duty by the charge of obstruction. He had heard that charge made by many persons, and by writers in the newspapers, during the present Session, but in no case was that charge substantiated. He regretted the Chancellor of the Exchequer had followed that bad example, and if he had tried to substantiate that charge he would have found himself unable to do so.

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—considered in Committee.

(In the Committee.)

CIVIL SERVICE AND REVENUE DEPARTMENTS ESTIMATES, VOTE ON ACCOUNT.

Motion made, and Question proposed,

"That a further sum, not exceeding £1,327,910, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments, to the 31st day of March 1878: viz.—

CIVIL SERVICES.

CLASS I.

Metropolitan Police Courts	..	£ 900
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CLASS II.

Ireland:—

Chief Secretary's Office	..	2,200
Boundary Survey	..	60
Charitable Donations and Bequests Office	..	200
Local Government Board	..	11,000
Public Record Office	..	600
Public Works Office	..	2,500
Register Office, General	..	1,500
General Survey and Valuation	..	1,800

CLASS III.

England:—

Law Charges	..	5,000
Criminal Prosecutions	..	15,000
Chancery Division, High Court of Justice	..	15,000
Queen's Bench, &c. Divisions, High Court of Justice	..	5,000
Probate and Divorce Registries, High Court of Justice	..	8,000
Admiralty Registry, High Court of Justice	..	1,200
Wreck Commissioner's Office	..	1,000
Bankruptcy Court, London	..	4,500
County Courts	..	80,000
Land Registry Office	..	500

Police Courts, London and Sheerness	£ 1,200
Metropolitan Police	70,000
Convict Establishments in England and the Colonies	30,000
County Prisons, Great Britain ..	8,000
Broadmoor Criminal Lunatic Asylum	2,500

Scotland:—

Lord Advocate, and Criminal Proceedings	6,000
Courts of Law and Justice ..	5,000
Register House Departments ..	3,500
Prisons and Judicial Statistics ..	2,000

Ireland:—

Law Charges and Criminal Prosecutions	7,500
Court of Chancery	3,500
Common Law Courts	2,500
Court of Bankruptcy and Insolvency	1,000
Landed Estates Court	1,000
Probate Court	1,000
Admiralty Court Registry ..	200
Registry of Deeds	2,000
Registry of Judgments	250
Dublin Metropolitan Police ..	5,000
Constabulary	25,000
Government Prisons, &c. ..	3,500
Dundrum Criminal Lunatic Asylum	600
Miscellaneous Legal Charges ..	6,000

CLASS IV.

England:—

Public Education	150,000
Science and Art Department ..	25,000
British Museum	9,000
National Gallery	600
National Portrait Gallery ..	200
Learned Societies	1,200
University of London	900
Deep Sea Exploring Expedition ..	300
Paris International Exhibition ..	1,200

Scotland:—

Public Education	75,000
Board of Education	250
Universities, &c.	1,500
National Gallery	200

Ireland:—

Public Education	50,000
National Gallery	200
Queen's University	400
Queen's Colleges	1,000

CLASS V.

Diplomatic Services	10,000
Consular Services	20,000
Colonies, Grants in Aid	6,000
Orange River Territory and St. Helena	250
Suppression of the Slave Trade ..	600
Tonnage Bounties, &c.	1,500
Emigration	250
Suez Canal (British Directors) ..	150

CLASS VI.

Superannuation and Retired Allowances	85,000
Merchant Seamen's Fund Pensions, &c.	5,000

Relief of Distressed British Seamen Abroad	£ 2,500
Hospitals and Infirmaries, Ireland ..	2,000
Miscellaneous Charitable and other Allowances, Great Britain ..	500
Miscellaneous Charitable and other Allowances, Ireland	500
Commutation of Annuities	600

CLASS VII.

Temporary Commissions	2,000
Miscellaneous Expenses	1,000

Total for Civil Services .. £747,910

REVENUE DEPARTMENTS.

Customs	80,000
Inland Revenue	150,000
Post Office	200,000
Post Office Packet Service	50,000
Post Office Telegraphs	100,000

Total for Revenue Departments .. 580,000

Grand Total £1,327,910"

MR. BUTT moved the reduction of the Vote by £316,750, the amount included on account of Class 4. The hon. and learned Member said, he did not wish to persevere with his opposition then, if he had the assurance that there would be an opportunity of discussing the Irish Education Estimates. At the same time, he reminded them of a Motion he had brought forward early in the Session, on which the Chancellor of the Exchequer agreed that to defer Estimates to a late period of the Session was, in fact, to deprive Parliament of the proper control over the Estimates. To vote the Estimates and to guard the public purse was the first and highest duty of the House. But so much of their time had been taken up in patching up statutes, that the House had lost all control over the Government expenditure. When he contrasted the great promises of late Sessions with the little work done, he could not help thinking that they ought to have more time to discuss the Estimates.

Motion made, and Question proposed,

"That a further sum, not exceeding £1,011,160, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments, to the 31st day of March 1878."—(Mr. Butt.)

THE O'CONOR DON said, they might without difficulty grant a Vote on Account if the Government would promise

that the Estimates should be brought on when they could be fully discussed. They were entitled to ask the Government to fix a day if they made this grant on account. It was true that there had been 32 Amendments on going into Committee of Supply, but that was because the Government had put down a Vote on Account of the Civil Service Estimates; and therefore every Member was obliged to put his Notice down, as he did not know what might take place. He thought it would be very convenient if the Chancellor of the Exchequer could state what particular Vote would be proposed at particular times.

THE CHANCELLOR OF THE EXCHEQUER, while admitting that nothing could be more reasonable than that the hon. and learned Member for Limerick and the hon. Member for Roscommon should like to have a day fixed for the Votes in which they were interested, said, it was obvious that the Government could not promise a particular day for bringing on those Votes. If he had been asked a question of that kind last week, he should have said that the Army Estimates would be taken on Monday, and the Education Estimates on the following Monday. But the discussion before going into Committee on the Army Estimates prevented that course being adopted. What he proposed was, to take Supply every Monday, and next week, not only Monday, but Thursday also. He should like to devote, as well, a Morning Sitting to Supply; but he had promised that Tuesday or Friday morning next should be placed at the disposal of the hon. Member for Londonderry (Mr. R. Smyth) for the Irish Sunday Closing Bill. At the conclusion of the Army Estimates he proposed to proceed with Class 4, including the English and Scotch Education Votes, but did not think there would be time to discuss the Irish Education Vote the same evening. He wished to proceed with Supply as quickly as possible.

MR. GOLDSMID said, he understood that up to the present time only about 17 hours had this Session been devoted to the Civil Service Estimates in Committee of Supply. He wished to know whether the Secretary to the Treasury would promise that in future the House would be furnished with Returns as to the time devoted to the different classes of Supply each Session?

MR. BUTT said, he would be quite satisfied with an assurance that the earliest possible day after the Army Votes would be given for a discussion of the Irish Education Vote and Estimates.

THE CHANCELLOR OF THE EXCHEQUER said, he would give this assurance.

CAPTAIN NOLAN hoped the Chancellor of the Exchequer would give a day for the Education Vote for Ireland. The Irish Members had to go away long distances, and it would be a great convenience for them to know the particular day.

THE O'CONNOR DON trusted that an early day would be named for the discussion of the Irish University Education Bill. Should the right hon. Gentleman be in a position to give a day, at some reasonable interval, for its discussion, he would not bring on the Motion of which he had given Notice on going Committee of Supply.

MR. O'CONNOR POWER asserted that the Government was responsible for the delay in getting into Committee of Supply to-night. The whole difficulty was due to the fact that the Government was in conflict with the intelligence of the House. The Government had a mechanical majority, but they made a mistake in attempting to force legislation which was not wanted—Judicature Bills and the like. It was simply impossible that the House could continue to be treated in this manner, and for the purpose of dividing the House on the question, he should move the omission of Class I. of the Estimates. The hon. and gallant Member for Galway (Captain Nolan) had written to the Chief Secretary for Ireland on the subject, but had received no satisfactory reply.

MR. BUTT understood the Government were pledged to bring on the Estimates at the earliest opportunity. The question of Irish Education rose out of that, and it would be convenient to the Irish Members to know when an opportunity for discussing the Education Estimates would be afforded.

THE CHANCELLOR OF THE EXCHEQUER could not give any promise as to the Irish Education Vote, though he hoped it might come forward this Session. As to the remarks of the hon. and gallant Member for Galway, it was difficult to pledge the Government to any particular day, because it was impossible to say

how long the English Votes might take; but he would make every effort to consult the convenience of the Irish Members, and would give them as long notice as was possible.

MR. BUTT said, he was quite satisfied with the assurance of the Chancellor of the Exchequer, and would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Original Question again proposed.

MR. MITCHELL HENRY hoped that a day would be named for the consideration of the Bill of the hon. and learned Member for Limerick, which would ensure its discussion in a full House.

MR. PARNELL thought this was a good opportunity of asking the Chancellor of the Exchequer, what Bills it was the intention of the Government to proceed with?

THE CHAIRMAN said, the answer to the Question would be out of Order.

MR. PARNELL said, that if Supply had to wait for these Bills, Supply would be obtained about Christmas. He was anxious to get a definite date as to when the Education Bill would come on?

CAPTAIN NOLAN asked, if it was really the intention of the Government to pass the Irish Prisons Bill this Session?—so that Irish Members might be in a position to tell their constituents if they would have to pay their share to the English prison expenses, and support their own prisons as well.

SIR MICHAEL HICKS-BEACH said, whether the Prisons Bill passed or not would depend upon the Irish Members. He was anxious in this matter to put the two countries on an equality.

MAJOR O'GORMAN: What, Sir, do I hear? The right hon. Gentleman says in the matter of prisons he wishes Ireland and England to be on an equality. Is that what he says? He says that it is only with regard to the Prisons Bill that the Irish people should be placed on an equality with England. Why did not he say so last Tuesday week, when it was desired that the people of Ireland should be placed on an equality with the people of England with regard to the franchise? It appears to me, Sir, it is only with respect to punishment that we are to be equalized. ["Order!"] What! am I not speaking the truth?

The Chancellor of the Exchequer

THE CHAIRMAN: The hon. and gallant Member is out of Order.

THE CHANCELLOR OF THE EXCHEQUER thought it inconvenient to introduce discussion of these Bills on a Vote in Supply. He assured the House that the Government was anxious to get on with the Business as speedily as possible, and he appealed to hon. Members to support the Government in proceeding with the Business.

MR. DILLWYN commented on the conduct of the Government in running the important Business of the Session to the end of it.

THE CHANCELLOR OF THE EXCHEQUER denied that the Government were open to such a remark. If they proposed to go on with Bills, they were told they should push forward Supply. If they endeavoured to go on with Supply, they were told they should push forward the Bills. How the time had been occupied, the House was aware.

CAPTAIN NOLAN asked why there was no money asked for on account of county prisons and reformatories, while there was a Vote on Account for the Government prisons? The Chief Secretary had merely eluded the question. He moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Captain Nolan.)*

SIR MICHAEL HICKS-BEACH explained that whether the Irish Prisons Bill passed or not, England and Ireland would be on the same footing as regarded the expenses of prisons until April, 1877. The reason why there was no change in the Vote on Account, as alluded to, was because it happened that none of the expenses of which the English counties were to be relieved by the English Prisons Act came within the current year.

MR. O'CONNOR POWER said, that he and those with him were willing to offer no opposition to the Irish Prisons Bill, provided that Irish prisons were placed exactly on the same footing as English prisons, and that the same Amendments were incorporated into the Irish, as had been introduced into the English Bill.

MAJOR O'GORMAN: Upon the same footing! It is a pity that the right hon.

Gentleman did not make this statement a few days ago on the Franchise Bill. It appears that the Irish people are to be put on the same footing, as regards prisons and punishments, but not as regards the franchise. ["Order, order!"]

THE CHAIRMAN said, it was out of Order to refer to previous debates.

MR. PARNELL said, he should like to ask whether, in the event of the Irish and Scotch Prison Bills not being passed, the Government would bring in a Bill next year for the purpose of relieving the Irish and Scotch ratepayers of the year's charge thrown on them for the maintenance of the Irish and Scotch prisons, in consequence of the failure to pass these Bills this Session?

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolution to be reported *To-morrow*;

Committee to sit again *To-morrow*.

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Friday, 29th June, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Tramways** (124); *Municipal Corporations (New Charters)** (125).
Second Reading—*Trade Marks** (106).
Committee—*Metropolis Toll Bridges** (45); *Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.)** (81); *Local Government Provisional Orders (Bridlington, &c.)** (107).
Committee—Report—*Public Works Loans** (88).
Report—*Norfolk and Suffolk Fisheries** (104); *Local Government Board's Provisional Orders Confirmation (Belper Union, &c.)** (87).
Third Reading—*Game Laws (Scotland) Amendment* (97); *Gas and Water Orders Confirmation (Abingdon, &c.)** (66), and *passed*.

RUSSIA AND TURKEY—THE WAR—EXCESSES BY THE RUSSIAN ARMY.

QUESTION. OBSERVATIONS.

LORD STANLEY OF ALDERLEY rose to ask the Secretary of State for Foreign Affairs, If instructions have been given to Colonel Wellealey or to

other British officers holding similar appointments to report any excesses committed by the Russian Army? In putting the Question the noble Lord said:—Notwithstanding Mr. Bright's silence at Birmingham, and notwithstanding that the Reform Club by its invitation to Midhat Pasha has disassociated itself from the frenzy of last Autumn and repudiated the assertion that the Turk is "unspeakable" and that the Ottoman Parliament is not worthy of respect and confidence, it is possible that there may yet be a few persons who adhere to the wild opinions disseminated last Autumn. I will therefore preface the Question of which I have given Notice with a few observations. After reading the Papers respecting the treatment of the United Greeks in Poland it will hardly be denied that the Russian soldiers are not wholly incapable of committing excesses. Still less, after what has been reported of the massacre by the Russian troops of the sick and wounded in the hospitals of Ardahan, can it be held improbable that the Wallachian peasants will be exposed to great oppression by the Russian soldiers, when German subjects have been the victims of Russian ill-treatment in Bucharest itself. And it must be admitted that the Russian Army is more deserving of censure for acts such as those at Ardahan than the Army of any other nation, when it is remembered that but a few years ago it was Russia which summoned the nations of Europe to a Conference at Brussels for the avowed, and it may now be said hypocritical, purpose of humanizing warfare and prohibiting explosive bullets. It will also be remembered that, thanks to the wariness of the noble Earl the Secretary of State for Foreign Affairs, this country was not entangled in the snares that were prepared against the Maritime Powers, for the Brussels Conference came to nought, and separated without being able to carry out the design of its promoters, which was to cripple the offensive and defensive capacity of the Maritime Powers by exempting private ships from the effects of war. What, then, is to be thought of the conduct of Russia in sinking four small Turkish merchant brigs by torpedoes? Instead of following the usage not only of civilized nations, but of all nations, and calling on these vessels to surrender, the Russians destroyed them and sent their

crews out of the world without notice, by treacherous engines more repugnant to humanity than the explosive bullets used to blow up ammunition waggons. The recent declaration of a leading St. Petersburg paper was therefore very opportune when it stated that Russia is not the mandatory of Europe, and would not accept interference with its conduct of the war; though this declaration is inconsistent with Russia's previous unfounded assumption that she is acting for Europe, and with the sanction of Europe. Apart from motives of humanity, this question has become necessary in consequence of what has recently been said with regard to Sir Arnold Kemball. That officer, in the exercise of his discretion and in accordance with the gallantry that was to be expected of him or of any British officer charged with reporting on military events and with gaining military experience, exposed himself to considerable danger, and his doing so does not require to be excused; indeed, the gist of Colonel Wellesley's complaint, and the indignity put upon him, was that he was kept in the rear; and it was hardly necessary to state, by way of giving a sop to those who cavilled at Sir Arnold Kemball, that he was charged with the duty of reporting any excesses against the civil population. But if Sir Arnold Kemball received instructions on this point, it is evident that they are equally necessary in the case of Colonel Wellesley, and of any British officer accompanying the Russian Army near Ardahan. I will not ask my noble Friend the Secretary of State to follow me through all the matters I have touched upon; but I will ask him if our neutrality will not be infringed if similar instructions are not given to the British officers in both of the opposing armies?

THE EARL OF DERBY: In answer to the Questions of the noble Lord I should say that no special instructions have been given to Colonel Wellesley, or to other British officers holding similar appointments, to report any case of outrage or violence committed by the Russian Army. No special instructions of that kind have been addressed to Colonel Wellesley; but it is well understood that the duty of Military *Attachés* accompanying foreign armies is to send home reports of any operations of war or any circumstances connected with the

Lord Stanley of Alderley

campaign or other matters which they may think important or interesting to their Government. I have no doubt that if any act of the kind referred to came under the observation of a British officer he would send home a report of it. With regard to the special case to which the noble Lord has referred—that of Sir Arnold Kemball—it was thought that civil war, attended with outrages, might break out in the provinces to which he was sent, and that Her Majesty's Government might, by timely representations, prevent the recurrence of them. It was with that view that special instructions were given to Sir Arnold Kemball.

GAME LAWS (SCOTLAND) AMENDMENT BILL.—(Nos. 44-97-118.)

(*The Earl of Rosebery.*)

THIRD READING.

Bill read 3^a (according to Order.)

THE EARL OF ROSEBERY said, that in Committee he had proposed an Amendment to the 4th clause, with the view of remedying some complaints which had been made with respect to "compensation for game harboured on the lands of the lessor," and he promised to consider the matter. After having given it that consideration, he had come to the conclusion that the complaint would be remedied by leaving out the words which had reference to game that might be harboured on the lands of the lessor to which the reservation or retention applied. He therefore proposed that those words should be omitted.

Motion *agreed to*; clause amended accordingly.

THE EARL OF SELKIRK¹ moved to insert a new clause to follow Clause 7—

"Where in any lease made subsequently to the passing of this Act a lessor and lessee have agreed that any claim of damage arising under this Act shall be referred to arbitration, the same shall be referred to arbitration in the manner, and subject to the provisions mentioned in the lease, but if the lease contains no provisions as to the manner of arbitration, or if for any reason such provisions cannot be observed, then the arbitration shall be conducted in the manner hereinafter in this Act mentioned."

As he had already pointed out, if the clause were left as it now stood there would be two sets of arbitrators, one

appointed under the Act, and the other named in the lease. The effect of this would be that the former would supersede the latter, who had been chosen by the parties.

THE EARL OF ROSEBERRY said, that when on a former occasion the noble Earl brought forward his Amendment, he used the argument that where there were general clauses of arbitration in the lease it would be more convenient and would cause less confusion if the arbitration under this Bill were confined to those general clauses. But under this new clause, as proposed by the noble Earl, the ground for his previous contention obviously disappeared, because the clause spoke of a particular arbitration in the lease. The arbitration in the Bill was therefore to be set against an unknown arbitration, composed of unknown words. What would they gain by the clause? They would not gain under it the convenience of referring to general arbitration the particular arbitration of matters affecting game. They simply gained the substitution of particular words of the noble Earl's unknown arbitration for the particular kind of arbitration laid down in the Bill; but it stood to reason that no one would wish to change simplicity and uniformity for needless variety; and no one would wish to exchange a known method of arbitration for an unknown method. It might be in the case of a bad landlord that his own factor would be appointed arbitrator; and in that case the clause would have no effect at all. The main object of the Bill was to set at rest the agitation that now existed on the subject in Scotland; but if they allowed persons who were carrying on that agitation the possibility of availing themselves of the noble Earl's Amendment, they would be far from settling the agitation, as it was hoped they would be able to do by the Bill.

THE LORD CHANCELLOR said, there seemed to be some misunderstanding as to the exact position of the question. His noble Friend (the Earl of Rosebery) said that when in any lease there was an arbitration clause there was no reason why any disputes which arose under this Act should not be settled by the arbitrator appointed by the lease. But his noble Friend had forgotten that the Bill did not apply to any existing lease, but only to future leases, and

therefore they might put aside all reference to cases where there was at present a machinery for arbitration. With regard to future arbitration, if there was to be any arbitration at all, he was bound to say that there could not be a fairer machinery than that which was provided by the Bill. Each party chose their own arbitrator, who, in case of disputes between themselves, appointed an umpire who would decide between them, and to such an arbitration as that he did not think that any objection could be made. The Bill, as it stood at present, only provided that arbitration should take place after disputes had arisen, and only in case the landlord and tenant agreed to refer it to arbitration, instead of going into Court. He stated on a former occasion, when the noble Earl on the cross benches (the Earl of Selkirk) proposed his Amendment, that it appeared to him that it would be a very reasonable alteration to make in the Bill, and that it would be an improvement if, instead of providing that any disputes that might arise should be settled by arbitration, a provision could be introduced into the Bill by which the landlord and tenant could stipulate once and for all that, in case of any disputes arising between them under the Act, they might be referred to arbitration under the arbitration clause of this Bill; and he was bound to add that he was to some extent responsible for the drawing of the clause, and he put in those words to give effect to the views of the noble Earl. At the same time, it might be said that they went too far and prescribed a mode of arbitration, and also that some of the subjects of arbitration might be different from those described in the Bill. He thought that the real remedy would be some slight amendment to the 6th clause. He proposed to add the words—

"In any lease made subsequent to the Act, such question should be referred to the arbitration provided in the Bill."

That would make the landlord and tenant coming under the operation of the Act say at once whether they chose to have any disputes referred to the arbitration under the Act or not, and he thought that if those words were inserted they would meet the views of the noble Earl.

THE EARL OF ROSEBERRY quite agreed with the Amendment proposed

by the noble and learned Lord on the Woolsack.

THE EARL OF SELKIRK said, that all he wanted was that there should be no doubt as to the power of the landlord and tenant to refer any disputes that might arise under a lease to the arbitrators appointed by the lease, and he understood that when the Bill was passing through the House of Commons there was no objection to such a provision being made; but, to his astonishment, when the Bill came into their Lordships' House, he found it was not inserted. He did not think that the Amendment suggested by the noble and learned Lord on the Woolsack would meet the case as completely as the clause he proposed.

EARL GRANVILLE preferred the words suggested by the noble and learned Lord on the Woolsack to the clause now suggested.

THE DUKE OF RICHMOND AND GORDON expressed himself of the same opinion. The only objection of the noble Earl was that the Bill set up an unknown system of arbitration in Scotland; but he thought their Lordships would agree to the proposal of the noble and learned Lord on the Woolsack, and reject the clause of the noble Earl.

Amendment (by leave of the House) *withdrawn*.

Then the Lord Chancellor's Amendment put, and *agreed to*.

Bill *passed*, and sent to the Commons.

TRAMWAYS BILL [H.L.]

A Bill to authorise the experimental use of Mechanical Power on Tramways—Was *presented* by The Lord DE ROS; read 1^a. (No. 124.)

MUNICIPAL CORPORATIONS (NEW CHARTERS)

BILL [H.L.]

A Bill to amend the Law with respect to the grant of Municipal Charters—Was *presented* by The LORD PRESIDENT; read 1^a. (No. 125.)

House adjourned at Six o'clock,
to Monday next,
Eleven o'clock.

The Earl of Rosebery

HOUSE OF COMMONS,

Friday, 29th June, 1877.

MINUTES.]—SUPPLY—*considered in Committee*—Resolution [June 28] *reported*.

PUBLIC BILLS — *First Reading* — Elementary Education Provisional Orders Confirmation (Felmingham, &c.) * [223], and *referred* to the Examiners; Superannuation (Mercantile Marine Fund Officers) * [224].

Second Reading—Oyster and Mussel Fisheries Order Confirmation * [222]; Tramways Orders Confirmation (Barton, &c.) * [218].

Select Committee—County Officers and Courts (Ireland) * [67], *nominated*.

Committee—Report—Provisional Orders (Ireland) Confirmation (Artizans and Labourers Dwellings) * [201]; Provisional Orders (Ireland) Confirmation (Ennis, &c.) * [202].

Considered as amended—Saint Stephen's Green (Dublin) * [216].

QUESTIONS.

LOCAL GOVERNMENT BOARD— ENGINEER INSPECTORS.—QUESTION.

MR. HUTCHINSON asked the President of the Local Government Board, Whether he is aware that cases have occurred in which Engineer Inspectors under the said Board have given evidence in a private professional capacity before Select Committees on Private Bills; and, whether he will state to the House any regulations he has made, or intends to make, in order to prevent a continuance of the same?

MR. SCLATER-BOOTH: Sir, a case has recently been brought under my notice in which an Engineer Inspector acted in the manner referred to in the Question, and I have since ascertained that in three or four other instances a similar thing has occurred; but, in those cases, the consent of the Department was previously obtained. In the particular case referred to, the Inspector does not appear to have been aware that he had committed any irregularity; but I have taken precautions to prevent such an occurrence in future, and have given specific directions that the Engineering Inspectors shall not, either with a view of giving evidence or otherwise, advise in their private capacity on any matter within the jurisdiction of the Board or

in relation to which they may be required to act officially, in respect to which an inquiry is ordered.

RUSSIA AND TURKEY—THE WAR— ALLEGED RUSSIAN ATROCITIES.

QUESTION.

MR. R. POWER asked the Under Secretary of State for Foreign Affairs, If the Government have received any information as to the atrocities alleged to have been committed by the Russians upon the Mussulman population of the Caucasus; if he is in a position to state whether or not the Russian Army, in addition to pillaging and burning Mussulman villages, and compelling the inhabitants to declare themselves orthodox Christians, under pain of being immediately put to death; if women and girls are being massacred after undergoing the most frightful outrages; that the male inhabitants who are spared are being sent to Siberia; and that these atrocities are being accomplished by the orders and under the eyes of the chiefs of the Russian Army?

MR. BOURKE: Sir, the Turkish Ambassador in London has communicated to Her Majesty's Government a telegram from the Porte which states that the atrocities enumerated in this Question have been committed; but Her Majesty's Government have no means of obtaining other information, as they have at the present moment no Military *Attaché* serving with the Russian Army in Asia and no Consular Agents in the districts occupied by Russian troops.

THE BRITISH MUSEUM—SALARIES.

QUESTION.

MR. W. C. CARTWRIGHT asked the Secretary to the Treasury, Whether any decision has yet been come to in regard to the Regulation of Salaries of Officers in the British Museum consequent on the scheme which, according to his statement on a former occasion, was to have been transmitted by the Treasury to the Trustees of the Museum on June 4th; and, in the event of no definite decision having as yet been arrived at, whether he can make any explanatory statement as to the position in which the matter now rests?

MR. W. H. SMITH: Sir, no decision has as yet been arrived at; I will, however, state exactly the position in which the matter now stands. In February last, the Treasury forwarded to the Trustees the outlines of a scheme based upon the 2nd of the Reports made by the Playfair Committee of Inquiry. In April the Trustees replied, proposing certain modifications of detail, to most of which on the 4th of June the Treasury assented, so far as they were consistent with the principles of the Playfair Report, but suggesting alterations in the relative numbers of some of the classes, whereby the serious increase of expense occasioned by the improved scale of salaries might be compensated. On the 20th instant the Trustees replied, omitting to notice the assurance required for an alteration of numbers in the several classes, but adhering to their former proposal in particulars quite inconsistent with the scheme originally submitted to them, and with the Playfair Report. The Treasury naturally hesitates to add £7,000 per annum to a charge for salaries already exceeding £56,000 per annum, without obtaining economies which they believe, and which it has been partially admitted, might be effected by the consolidation of departments, and some reduction in the numbers of the more highly-paid classes without any sacrifice of efficiency or of personal interests. The scheme of the Trustees contains not only the extra or duty pay of the Playfair scheme, but also a higher commencing salary and a higher maximum salary than is provided in that scheme or than the Treasury believe to be necessary. There is not the slightest objection to produce the Correspondence which has passed.

LAW AND JUSTICE—THE CIRCUITS.

QUESTION.

MR. C. W. WYNN asked the Secretary of State for the Home Department, If the Judges do not go Circuit with a Commission of General Gaol Delivery; and, if this be so, whether he is aware that the Lord Chief Baron has declined at the approaching Assizes for Montgomeryshire to try prisoners committed to the Quarter Sessions; although, on the present occasion, the Assizes will precede the Quarter Sessions?

MR. ASSHETON CROSS, in reply, said, he believed that in the case of all the Circuits, except the Northern and the North-Eastern, there was a commission of general gaol delivery, which would embrace all prisoners, whether committed to the Assizes or to the Quarter Sessions. He was not aware that the Lord Chief Baron had declined to try prisoners committed to the Quarter Sessions.

PARLIAMENT — BUSINESS OF THE
HOUSE—UNIVERSITY EDUCATION
(IRELAND) BILL.—QUESTION.

MR. BUTT asked Mr. Chancellor of the Exchequer, Whether he can give an opportunity of discussing the University Education (Ireland) Bill?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was perfectly aware from the communications which had been made to him, and especially from what he had been told by an important deputation of Irish Members who had done him the honour to call upon him some time ago, that great interest was felt in this Bill by Members for Ireland. Now, he apprehended that there was no possibility of the Bill becoming law this Session; but he understood that the hon. and learned Gentleman and others were desirous of an opportunity of discussing its provisions. He might say, in passing, that the Bill was one which the Government could not accept, and in regard to which they would feel much difficulty; but, at the same time, it might be a measure which it would be proper to discuss. That discussion could be taken either upon the Bill itself, or upon the Irish Education Estimates. As, however, it was probable that as much time would be taken up the one way as the other, he thought it would be more satisfactory that the discussion should be held on the Bill itself. At the same time he must remind the House that, on the previous night, the Government were pressed by the hon. and learned Gentleman himself and many of his Friends, as well as by others, to go on with Supply, and with Supply they must go on, even at the cost of postponing and possibly endangering some of their own Bills. In those circumstances, all he could say to the hon. and learned Gentleman was, that he

would be glad if he found himself able by-and-bye, during the month of July, to give an opportunity for the discussion of the University Education (Ireland) Bill. Any promise he could give must, however, be contingent on the progress made with Supply during the next fortnight.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COUNTY FRANCHISE AND RE-DISTRIBUTION OF SEATS.

RESOLUTION.

MR. TREVELYAN, in rising to move the following Resolutions:—

"1. That, in the opinion of this House, it would be desirable to adopt a uniform Parliamentary Franchise for Borough and County constituencies.

"2. That it would be desirable to so redistribute political power as to obtain a more complete representation of the opinion of the electoral body,"

said: I trust that no hon. Gentleman will complain that the promoters of these Resolutions, unappalled by frequent defeats, once more ask Parliament to give public assent to propositions the justice of which no one in private even attempts to controvert. As long as a vast grievance, affecting more or less three-fifths of the population of the United Kingdom, remains undenied and unredressed, there will always be found those who will not be deterred by the fear of being thought tiresome and importunate from calling upon this House to make its annual confession that, in dealing with the claims of the county householder, it does not even profess to be guided by those considerations which influence its treatment of all other matters. Let hon. Gentlemen observe the different position which this question holds from any other that comes before the House. When the Irish tenants apply to Parliament for a change in the land laws—when the Temperance Party applies for a change in the licensing laws—when a portion of the Irish people

press for a revision of the constitutional relations of Great Britain and Ireland—however little hope they may have of gaining their point, at any rate, they are sure that their case will be discussed on its merits. On such an occasion, Sir, your only difficulty is to select one among the many hon. Gentlemen who start up in every quarter of the House ready to state the arguments against the measure in as convincing language as he can find at his command. The advocates of these measures are out-voted indeed, and out-voted often by a much larger majority than I hope to see against me to-night, but they go away with the feeling that, right or wrong, they have had their answer; they have been met like reasonable beings; and the cause which they have at heart has not been condemned unheard. But that is not the case with the householder of the counties. When he comes before the House, nothing can exceed the unanimity of the discussion. Our galleries are crowded with his friends; our benches are thickly studded with his admirers; speaker vies with speaker in praising his patriotism, his industry, his frugality, his common sense; and then, after a debate which has been nothing but one long and unbroken panegyric of his civic qualities, comes a division, the result of which is to exclude him from all hope and prospect of obtaining his civic privilege. Until our arguments are confuted by something more persuasive than a silent vote of this House, it is idle to expect that he will sit down contented under a deprivation from rights which, if he had been a new Englander instead of an old Englander, he and his ancestors would have already exercised for a couple of centuries. On all other evenings of the Session the county householder stands before you as a helpless being, with whom you may do what you like; he comes here to be taxed and rated and assessed; to be enlisted in the Army for a long term or a short term; to be buried with or without rites; to be educated with or without a Conscience Clause. But on this day of all the year, and on this day alone, he stands at our door, not indeed in the capacity, but with the claims, of a British citizen; and if those claims continue to be asserted till you are weary of hearing them—for be assured that we shall not easily be ashamed of repeating them—

the blame lies not with us, but with those hon. Gentlemen who refuse to give us any other answer than by the very cheap and easy process of walking through one Lobby, instead of through the other. But though hon. Gentlemen, by declining to answer our old arguments, have absolved us from the obligation of presenting new ones, we shall not avail ourselves of our privilege. Nor is there any need for it; for the nature of this question is such that every fresh Session of Parliament brings with it a whole crop of reasons in favour of the reform which we advocate. There is hardly a Notice of Motion placed upon our Books, there is hardly a Bill laid upon our Table, which does not sensibly affect that large portion of our population who, standing outside the pale of political privilege, see matters touching their nearest interests and their highest sentiments discussed without them, and arranged for them, in an Assembly over whose deliberations they have no larger influence than if they were inhabitants of Kamtschatka. And what manner of men are these, that we should not consult them on the questions of the day? Is the Church of England ratepayer in the rural districts so indifferent to religious matters that he is not to be asked whether he has or has not an objection to seeing burials conducted in the churchyards with rites other than his own? Is he so careless of his money that he is not to be asked whether, in order to settle the burial question in accordance with the views of the hon. and learned Member for Cambridge (Mr. Marten), he is prepared to bear his share in the expense of providing the country with a new outfit of cemeteries? Are the Scotch county householders so ignorant and simple that they are to see the guardianship of their poor and the management of their highways re-arranged for them, without their consent, by Bills which the Lord Advocate has introduced to the House—Bills which these unenfranchised Scotchmen read with an eagerness and attention which hon. Members reserve only for the most sensational of the Blue Books—which many of them understand—and I am not paying the Lord Advocate an ill compliment in saying so—every whit as well as the hon. and learned Gentleman himself? Why, it is this very Parliament which placed

in the hands of Scotch shepherds and ploughmen the charge of electing the minister who is to be their spiritual guide and adviser. Are we so inconsistent that we are to refuse them a voice in choosing the Member of Parliament who is to look after their mundane and material interests? When we were discussing the Navy Mutiny Bill, would it have been no advantage to us to have been told by the Representatives of those classes from whom our ships are manned, whether the punishment of flogging is considered by the relatives of our seamen as an attractive or deterring feature in our Service? When we come to discuss the most important War Office Report on the localization of our Army, which has this Session been placed in our hands, would it not be to our advantage that we should know what is thought about the effect of the proposed scheme upon our recruiting by the Representatives of the class from which we fill our regiments? If we want to be informed whether local influences and associations will bring more young men into the Army, it is not to farmers and shopkeepers we should go, but to those agricultural labourers who are the fathers and brothers of our rank and file. From the Valuation Bill of the Government to the Threshing Machines Bill of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), there is no measure affecting our rural population with regard to which we should not be the wiser for knowing the wishes and feelings of those for whom we are undertaking to legislate. And while every year adds to the grievances of the unrepresented county householder, by bringing with it a new list of enactments as to which his advice and assent have not been asked, every year likewise adds, and adds largely, to the number of those who suffer from that grievance, and suffer from it under its most invidious form. It is worth the while of hon. Members to notice what class of our people it is that is increasing with a rapidity that produces such remarkable results in each successive census. It is not to the rural districts that the growth of our population is due. Owing to the conditions of modern agriculture, and other circumstances into which it is now unnecessary to enter, our purely rural population, so far from increasing, is

steadily diminishing. There were fewer farmers in 1871 than in 1851; there were many fewer shepherds and in-door farm servants. The class of agricultural labourers proper had fallen in 20 years from 908,000 to 764,000. The only persons employed in rural pursuits who have multiplied during the same period are huntsmen, gamekeepers, and rat-catchers. Nor, again, does the increase in the Census proceed mainly from the people within the boundaries of Parliamentary boroughs. Those boundaries are for the most part sufficiently crowded already. Population follows manufacture, and manufacture requires elbow-room. Population accompanies the spread of mining operations, and veins of metal and beds of fuel are for the most part found in other places than beneath the soil of towns which happened to be summoned to send burgesses to the Parliament of Edward the Third or Henry the Sixth. Wherever coal, or lead, or slate, or iron exists in abundance—wherever wool factories spring up along the banks of some convenient stream—there may be seen streets of well-built houses, rows of thriving shops and stores, schools, lecture-rooms, reading-rooms, elegant churches, commodious chapels—everything that constitutes a town, save and except the rate-paying household suffrage. Let any intelligent foreigner go to such a place as Barrow-in-Furness, and let him view those docks and quays which, if they belonged to Germany or Austria, or Italy, would be regarded with pride as a national possession; these smelting works whose produce would provide a first-class European Kingdom with material for its system of railroads and its iron-clad fleet; those other extensive and valuable manufactures which supplement the leading industry of the place; and when he has finished his inspection of the town which is already justly recognized to be among the wonders of England, then let him be told that, of the 7,000 or 8,000 heads of families whose enterprise and energy have made Barrow what it is, six out of every seven are excluded from those rights of citizenship which in the course of the next three months every Frenchman of mature age will be called upon to exercise. Why are the 25,000 inhabitants of Heywood, and the 25,000 inhabitants of Accrington, excluded from the rights which townsmen enjoy elsewhere?

Mr. Trevelyan

What intelligible reason can you give for such exclusion? What reason, I mean, which would be intelligible to the inhabitants of Heywood and Accrington? Take the woollen districts. The chief seat of a very important branch of the woollen industry lies in a group of towns and villages situated upon the Tweed and its tributaries. Some among these communities have been constituted Parliamentary boroughs, while others still remain part of the county; but if you seek for a reason why the inhabitants of Walkerburn and Innerleithen should be deprived of the franchise which is enjoyed by the inhabitants of Hawick, Gala-shiels, and Selkirk, you certainly will not find it in the character of the population. The people of Walkerburn and Innerleithen earn the same wages as my constituents; they read the same newspapers; they are subject to the same local influences. They share the merits of my constituents; and they would share their defects—if my constituents had any defects. Why, in the name of all that is just and reasonable, should they not share their political privileges? Let us come nearer home, and take the immediate neighbourhood of the Metropolis. If any hon. Gentleman has a spare Saturday afternoon about this time of the year, he will find nothing within the compass of an hour's walk so pleasant as Clapham Common. If he takes the shortest route, over Chelsea Suspension Bridge, and by Battersea Park, he will pass through a region with quite a character of its own, and which well repays a visit. What once were Battersea Fields are now covered with thousands of healthy and roomy dwellings, inhabited by working men who have their business in the Metropolis. Part of this district is well and widely known as the Shaftesbury Park Estate, and hon. Members may recollect how, when the Shaftesbury Park Estate was set on foot, the present Prime Minister, who is always ready to do a good-natured thing, went to Battersea to attend what he justly regarded as a most interesting ceremonial. That ceremonial has within the last week been renewed in the same locality under the same distinguished auspices. On both these occasions the inhabitants of the Victoria Buildings and the Shaftesbury Park Estate were told how grateful they ought to be for the blessings that were

provided for them. They are congratulated upon the simple excellence of their architecture, on the breadth of their roads, on the frequency of their churches, on the paucity of their public-houses. But on one point silence was kept, in order, I suppose, that nothing might destroy the harmony of the meeting. They were not told that, as a reward for their intelligence in appreciating a comfortable home, and for their thrift in having made themselves able to pay for it, they had forfeited the privilege of giving their vote for a Member of Parliament—a privilege which was still possessed by their less frugal and provident comrades whose circumstances obliged them to continue living in the smoke and crowd of Southwark, of Finsbury, and of Lambeth. It is not in one part of the Kingdom more than another that a large population is being accumulated outside the boundaries of Parliamentary boroughs. Look at the section on Wales in the preliminary Report of the Census of 1871. In Glamorganshire alone, the increase in the population in 10 years nearly reached the figure of 80,000, which in itself would make a respectable population for a Swiss Canton; and one of the four localities which are responsible for this enormous addition is the district of Pontypridd. Now, if on other grounds the people of that district have a claim to the franchise, I do not think that I need, during the current Session at any rate, consume the time of the House by arguing that on the score of personal character they are worthy of their political rights. The circumstances connected with the rescue of the imprisoned colliers in the valley of the Rhondda speak with a force which any words of mine could only serve to extenuate. If, as we have every reason to believe, these men, of whom we have heard so much, in their heroic courage and in their sincere and sterling religious feeling, are but a fair specimen of the miners of South Wales, if I were one of the Members for Glamorganshire, I should be the first to vote for a measure which would endow me with such constituents. I have been at the more pains to lay before the House the case of the mining and manufacturing population which lies outside the boundaries of boroughs, because this question is generally argued as if it concerned no

one but the agricultural labourer. If we take England and Wales as a whole, of the new voters whom this measure would enfranchise, it is probable, according to the best calculation that I can make, that not more than one-half will belong to the class of agricultural labourers. Be they many, however, or be they few, I come with great confidence before the House to ask for their enfranchisement, and for that confidence I have special and recent grounds. We have not often the pleasure of being unanimous with regard to a great social and political change; but, in the course of the present Session, one of those happy occasions befell when all the House was of a mind, and that was when the hon. Member for South Norfolk (Mr. Clare Read) proposed to hand over county business to a representative County Board. It is a strong proof of the justice and reason of the principle on which the Resolutions which we are now discussing are founded, that when that principle is presented to hon. Gentlemen under a new form, from a new quarter, severed from those associations of ancient political controversies which have, I cannot but think, a disturbing effect upon their judgment, it at once is seen to be so equitable and so unanswerable that hardly anyone can be found to speak, and no one to vote, against it. Hon. Gentlemen who regard it as a matter of such moment to give to the ratepayer the management of his own local affairs that they actually invent and create a new representative Body for the purpose, cannot much longer refuse him a voice in the management of the affairs of the nation in Parliament. Just see what the consequences of such a refusal will be. The Representatives of the agricultural labourers will then, as now, be excluded from Parliament. But though they have no power of expressing their sentiments here, they will have a vent elsewhere. On the County Boards will sit, in larger or smaller proportion, men who are the representatives of the labourers, who know their wishes, who sympathize with their opinions, and, if you will, with their prejudices. In a country which has the instinct of self-government, you cannot give men representation, and then dictate to them the nature of the subjects which they are to discuss, and the resolutions which they are to pass; and whenever the mass

of our rural population have their minds set on any object, whether it comes within the legitimate scope of county business, or whether it does not, you may be very sure that they will turn these County Boards into so many little Parliaments, where they will give expression to that voice which is stifled at Westminster. And if these men insist on urging their grievance in season and out of season, we cannot justly blame them, for that grievance is curiously compounded out of all the elements which render wrong intolerable; for in the case of the unenfranchised householder the practical injury from which he suffers is enhanced by an insult to which he is keenly sensible. He is not only unrepresented; he is misrepresented. The House of Commons, I am well aware, always prefers facts to assertions, so I will take a special case—the case of a county of small extent, but which, on that very account, affords a clearer illustration of my meaning. Selkirkshire contains about 10,500 inhabitants; but most of these are collected within Parliamentary boroughs, and the entire roll of county electors, dead and alive, only reaches the figure of 272. Well, the past electioneering history of Selkirkshire is worth recording, but into that I will not enter. I will take the register as it stands, and will call the attention of the House to a single item. In the year 1870 a bit of land was bought, and was divided into seven little parcels, each surrounded by a wire fence, and each having two owners. All the 14 lairds concurred with ominous unanimity in having one and the same tenant, for which they had very good reason, seeing that upon the land there was only set of farm buildings. Now, let us turn to the register, and see who these 14 gentlemen are. First come two gentlemen who reside at Lochearnhead. Lochearnhead is a pleasant place; but it is not in Selkirkshire, but in Perthshire. Then we have two Writers to the Signet, both resident in Edinburgh. The 14 proprietors are, in exactly equal proportions, Writers to the Signet in Edinburgh, and county gentlemen whose estates are situated in other counties. There you have an official and authoritative description of these people who, joining in a conspiracy to commit an act which is not indeed opposed to the letter, but which is a violation of the spirit, of our

Mr. Trevelyan

Constitution, have by a single operation possessed themselves of more than 5 per cent of the entire voting power of a county, the inhabitants of which are not so ignorant of public affairs, or so indifferent to the welfare of the nation at large, that they require to have strangers brought in from a distance to speak in their name, and to usurp their undoubted rights. But the people of Selkirkshire have no special cause for complaint. They are in the same plight as the people of every county in the Kingdom. As soon as the polling begins, from one end of the Island to the other, our railway carriages are stuffed with people, with free passes in their pockets, and cut and dried Party notions in their heads, hurrying about from shire to shire to decide the political representation of localities they never visit from one General Election to another. Meanwhile the native and genuine inhabitants of the locality—unable to vote—unable even to influence those who do vote—for these non-resident electors care no more for local wishes and interests than we care for the public opinion of Bohemia—patiently and passively look forward to the declaration of the poll, in order that they may enjoy their sole political privilege—that of knowing the name of the Gentleman whom Providence and the faggot voters had allotted to them as their Representative. It was not so once. Those who characterize the proposal now before the House as a democratic innovation, must have studied history to very little purpose. It is worth our while on this point to appeal to the wisdom of our ancestors. The writs for county elections, as far back as the reigns of Edward I. and his successors, are addressed, not to any special class, but the whole community. The people who are directed to choose Representatives are variously described as “freemen,” “the community of the counties,” “the honest men of the counties,”—a qualification which, as far as my experience goes, would exclude very few of the agricultural labourers. So it was in the good old times; but, after the death of Henry V., power fell into the hands of a lawless clique of nobles, headed by an unscrupulous ecclesiastic. Under the influence of this cabal—as bad a set of Rulers as ever misgoverned a country—a statute was passed which ran thus—

“Whereas the election of knights of the shires to come to the Parliaments of our Lord the King have now of late been made by a great and excessive number of people, of which the most part was people of small substance and of no value, whereof every one of them pretended a voice equivalent to the most worthy knights and esquires dwelling within the said counties, whereby manslaughter, riots, and batteries among gentlemen and other people of the same counties shall very likely arise and be”—

therefore—the statute goes on to say—the right of voting shall be confined to people dwelling and resident in the said counties who have 40s. a-year in land, which, as hon. Gentlemen are aware, is equivalent to at least £40 a-year of our money. Now, I am not going to defend Cardinal Beaufort and his accomplices of passing one of the most unjust laws that disgraces our Statute Book; but, at any rate, they had two excuses which we have not. They were afraid of having riots and batteries, which certainly were frequent enough in the days of open elections, whereas our happy experience tells us that under the Ballot contests are always conducted in peace and quiet; and, in the next place, as the terms of the Preamble show, they confined the choice of Representatives to knights and esquires resident in the county, while we permit the inhabitants of a district in the Lowlands of Scotland to be disfranchised for the benefit of a troop of Edinburgh lawyers and Highland proprietors who have no part or parcel in that district except a fictitious qualification. And if we come to more recent days, the wisest statesmen of our country—such men as the Duke of Richmond, Mr. Flood, Mr. Fox, Lord Shelburne, Lord Chatham, the precursors and progenitors of our modern Reformers—have looked for a remedy to the evils which, from time to time, afflicted the State in the restoration of county elections to the hands which formerly held them. In the year 1790, when the troubles on the Continent were beginning, some of these great men proposed to add to the House of Commons 100 Members, elected by the resident householders in every county. These proposals were combated by Mr. Windham, on the ground that the time was inopportune, and that men should not choose the hurricane season to repair their houses. That is an argument which I suppose will be repeated to-night by hon. Gentlemen who will point to the

East of Europe, as Mr. Windham pointed to France; but it is an argument which those who advocate the extension of the franchise need not be afraid of meeting. It is in the time of peril and difficulty—when it is of vital consequence that the public opinion of the country, if not united, should at any rate, be unmistakeable—that we feel more than at other times the inconvenience of a state of things under which two-fifths of the House of Commons only represent two-fifths of the people who ought to be their constituents. That is the answer to the argument, founded on a panegyric of the high qualities of the House of Commons, with which, the day before yesterday, my right hon. Friend the Member for the University of London (Mr. Lowe) regaled the ears of the young patriots of Merchant Taylors' School. We are very much obliged to the right hon. Gentleman for all the civil things which he said of us. We hope and believe that we deserve them. But that does not alter the fact that, at a crisis when the eyes of Europe are fixed upon us, we cannot pretend that we speak in the name of the entire population of this Kingdom. The jokes of the right hon. Gentleman, good as they were, and his quotations from Milton, do not supply an answer to the people of our rural districts, when they complain that they have no voice in these questions of peace and war; when they ask whether their part in the business is for ever to be confined to sending their sons to be shot, and giving their money to be squandered? No, this of all others is not the time when we, on this side of the House, should shrink from asserting the doctrine on which the creed of our Party is founded—the doctrine that taxation should be accompanied by representation, and that the extension of the franchise to all who are fit to exercise it is a strength, and not a weakness, to the Constitution. Hon. Gentlemen opposite, when they were in a minority, never wearied of asserting their convictions, and fighting their battles, under every form of discouragement, with a consistency that won our respectful admiration. We, too, I confidently believe, have our share of that national courage and constancy which we recognized in them; and I trust that the division to-night, by a unanimous vote of these benches, will show that Liberal Members under every

turn of fortune are resolved on being true to Liberal principles. The hon. Gentleman concluded by moving the first of the Resolutions on the Paper.

SIR CHARLES W. DILKE: Mr. Speaker, my hon. Friend has addressed himself chiefly to the first of his two Resolutions. I shall address myself chiefly to the second. There is a much more general desire to adopt a uniform franchise in counties and boroughs than to re-distribute seats in Parliament; but there are many on this side who think that the two changes should be carried out together. If acting upon the belief that all were agreed as to the expediency and safety of enfranchising the rural householder, a Minister were to propose nakedly to carry that reform, he would at once be met by Party opposition, indirect in character, but, at least, as damaging as could be a direct opposition to the reform upon its merits. That would occur which occurred in 1866; a cry would be raised for a "complete scheme," and the reforming Minister would be overthrown by a union between the Opposition and such among his political Friends as believed in the pressing necessity for a re-distribution. The wise and the honest course for those of us who desire both reforms is then to connect them in our movement from the first. While, however, we are bound to keep before the country the subject of re-distribution, we cannot fairly be asked, as yet, to give to Parliament the details of our plan. We are not all agreed upon those details; but we are at one in thinking the matter of such importance that we should be willing to waive our individual views upon detail, and to accept, when the time has come, that scheme which has the highest chance of passing into law. There are some of us who attach, indeed, so much importance to a re-distribution as to think its pressing moment one of the strongest among the many reasons that favour the equalization of borough and county franchise, for that reform is, of necessity, involved in any such complete re-distribution as we desire. A Return which has lately, upon my Motion, been presented to the House, shows an immense increase in electoral anomalies. Those anomalies are growing at a pace, of which persons, who have not examined this question for themselves, have not the least idea. The pace is not

Mr. Trevelyan

only a rapid, but it is also an accelerating pace. The electors in the small boroughs and in the agricultural counties considered together have, for a long time past, shown no increase, but they are now beginning to show a rapid diminution. In the Return of the present year, we find an enormous growth in counties which include great towns or the suburbs of great towns; we find the numbers in East Surrey swollen; we find an increase in West Kent, in Middlesex, in all the divisions of Lancashire, in the East Riding of Yorkshire, in all the divisions of the West Riding, in the part of Warwickshire which includes Birmingham, and in Glamorganshire; but there has been such a diminution in the great majority of the counties that the total number of county electors for all England and Wales, while it shows hardly any change whatever when considered absolutely, when considered relatively to the increase of the population of the country, shows a marked decline. The electors of all Ireland, counting together the electors in the counties and the boroughs, are stationary in number, and would show a general falling off, were we to deduct the single town of Belfast, in which there has been an immense increase. The increase in the number of Scotch electors is the increase in the single county of Lanark and in the three great boroughs of Glasgow, Edinburgh, and Dundee. The increase of the total number of the electors of the United Kingdom is an increase confined to the great borough constituencies and the counties surrounding London, or containing manufacturing towns. The increase in the constituency which I have the honour to represent is one of 1,500 electors every year. The increase at Lambeth has been an increase of 2,000 electors in a single year. The increase at Manchester is 2,000. The increase at Birmingham has been 2,200 in the year. There are seven boroughs returning seven Members to this House which have a total number of electors less than the annual increment at Birmingham. The disparity between the number of electors to a Member in the borough where the elector has the smallest electoral power, which was last year the borough of Hackney, and which is this year the borough of Lambeth, and the small borough in which votes have the

greatest weight—I do not say the greatest value, for fear of being misunderstood—is as 1 to 162. Metropolitan electors count only on the average, taking London through, 150th part the political power possessed by certain electors who live in small boroughs. In face of the fact that these anomalies are as great as the figures show, and that, great as they are, they are increasing more and more rapidly every year, I do not see how it is possible to refuse to admit that the subject needs immediate attention at the hands of Parliament. It has often been contended, or, let me say, pretended, that the small boroughs form a kind of representation of the minorities among the county electors. If they are to be defended on that ground many would prefer to see county minorities directly represented in this House. As matters stand, in the case of several counties in the South of England, the small boroughs are so numerous as to give to those counties unduly great political power. Take, for instance, the cases of Berkshire, Buckinghamshire, Wiltshire, Dorsetshire, and Cornwall. Those counties are, if we consider the present number of their electors, sufficiently represented by their present number of county Members. If, however, household suffrage were to be extended to the counties, then many hon. Gentlemen who sit for boroughs in those counties would, perhaps, become the Representatives of the Liberals among the county voters in the first four counties which I named, or of the Conservatives of Cornwall. Under our present system the Members for the smallest boroughs in these counties are neither borough Members proper, nor county Members proper, and cannot speak in this House with that authority which Members of their political standing would possess, if they represented great bodies of electors. In Berkshire, for example, there are four boroughs returning five Members to this House. Reading is a borough of considerable importance. Windsor is somewhat small, and as I gather from the remarks that were made upon it by the Judges who presided over the trial of the last Petitioner, far from pure. Abingdon and Wallingford are so small, that, in spite of the considerable size of Reading, the five borough Members from Berkshire represent only between 8,000 and 9,000

electors. Take Buckinghamshire again. There we also find four boroughs returning five Members to the House. Aylesbury is large, Wycombe is not very small, but Buckingham and Marlow are so tiny, although Marlow is styled "Great," that the five Buckinghamshire borough Members represent only between 7,000 and 8,000 electors. In Wiltshire, the next in order of the counties named, there are no less than nine boroughs returning 11 Members to this House. Of these, Cricklade is a large borough; but most of the others are so small that the 11 Wiltshire borough Members represent only between 13,000 and 14,000 electors. The same number of householders as inhabit these nine Wiltshire boroughs, returning, as they do, 11 Members to this House, if they all lived together in the suburbs of the metropolis, would not be deemed of sufficient consideration, any more than Croydon or Battersea are deemed of sufficient consideration to specially return a single Member to Parliament. As they are lucky enough to live in Wiltshire, they return 11. Wiltshire, with 24,000 electors, is represented by 15 Members, while twice that number of electors in Lambeth are given two. In the county of Cornwall there are seven boroughs specially represented. Cornwall is a case which I would recommend to the attention of hon. Members who sit opposite. Cornwall returns nine borough and four county Members. Of these 13 Members the great majority are Liberal; yet, speaking from this side of the House, we cannot but admit that as long as the present franchise is maintained, electors who live in Cornwall are as greatly over-represented as electors who live in the capital, or in Lancashire or Yorkshire, are greatly under-represented in the Commons. The nine Cornish borough Members represent but 8,000 electors, a number which would be politically insignificant in the metropolis or in the North of England. Dorsetshire is the last county which I named. In Dorsetshire there are six boroughs. In this case again we can show that we raise no Party question. Bridport and Poole return Liberals to this House; Dorsetshire and Wareham return Conservatives; Weymouth, which alone among the Dorsetshire boroughs returns two Members, sends us "one and one."

Sir Charles W. Dilke

Shaftesbury, which one would say at first sight must take a side, and make of this Dorsetshire borough representation either a Liberal, or a Conservative Party question, succeeds in doing nothing of the kind. Shaftesbury, although it returns only one Member, contrives, difficult as the task may seem, to manifest its high impartiality, and to keep the Party balance even. Shaftesbury notoriously depends upon the influence of Motcombe. Now, the influence of Motcombe is in so singular a position, through the political differences of the various members of the Westminster family, that in the last Parliament the Motcombe influence was Whig and returned a Whig; that in the present Parliament the Motcombe interest is Conservative and returns a Conservative; and that it is well known that there is every probability that, at a future time, the Motcombe influence will again be Whig. It has been stated in all the newspapers, and not denied, that it is useless for a Liberal to stand for Shaftesbury at the present moment, and that it would be useless for a Conservative to stand for it at that future time of which I speak. In other words, it is as useless at the present time for a Liberal to stand at Shaftesbury as at Wilton; but it was as useless for a Conservative to stand at Shaftesbury when Motcombe was in Whig hands, as it was useless for a Conservative to stand at Wilton when the Herbert family was Whig. The seven borough Members returned by the six Dorsetshire boroughs represent 6,000 electors. Here are 6,000 Dorsetshire borough electors returning seven borough Members when 60,000 electors at Liverpool, 61,000 electors at Glasgow, 62,000 electors at Birmingham, and 64,000 electors at Manchester return only three Members each. Is there any such extraordinary political spirit, any such marvellously keen political intelligence in the electors of Dorchester or of Wareham that the 600 and odd electors of Dorchester should be given a Member specially to represent them in this House, when exactly one hundred times as many electors at Manchester return but three? We wish it to be understood that those of us who propose these reforms do not expect of them that they would exclude from Parliament those hon. Members, many of them men of great ability, all of them, we hope, useful Members of this House,

who represent the small constituencies. We wish only that, which we are persuaded the majority of them wish themselves, that which some of them have had the courage to go down to their boroughs and avow, that they ought to sit here not as the special Representatives of decayed communities, but as the Representatives of large bodies of their fellow-countrymen. There is one other matter in connection with this branch of the subject to which it is difficult not to allude; indeed, I did allude to it just now in the case of Windsor. I speak of the electoral practices—the electoral mal-practices for which some small boroughs are notorious. It is I fear the case, that in many of these small boroughs—it is certain that in some, corrupt practices exist, and that no candidate who is determined not to pay one farthing without a clear account as to the manner in which his money was expended, can possibly hold those seats. There are still constituencies in England in which the first question asked, not, indeed, of candidates themselves, but of those who are charged with conducting their elections, is not a question as to their political opinions, but a question as to the amount of their wealth. Not only is much political demoralization produced by the laxity of public morals upon this point which still prevails in many boroughs, but these facts are well-known abroad, are repeatedly referred to in foreign journals and in foreign Assemblies, and cannot but in some degree diminish the high respect in which abroad the deliberations of this House are held. “Influence,” too, is still so rife that whole pages of our Parliamentary guides are filled with lists of boroughs in which the politics of the people are held to be of no account when compared with the opinions of some great neighbouring family. What is the practical importance of a change in the distribution of political power, the theoretical need for which can be shown by statistics so clear as those to which I have referred. I have tried in previous years, in moving Resolutions couched in the same terms as the second of those which is this day submitted to the House, to prove that not even the more showy reform of an extended franchise is of so much moment. There are some of us who go so far as to believe that a re-distribution of political power will be found to as

greatly transcend in importance the mere extension of the franchise as it does in difficulty of treatment. The practical injustice of the present state of things has been often shown in cases in which the interests of the inhabitants of great communities have come into conflict with what may be termed private interests. I have several times given to the House instances in support of this view, of which the defeat of the Birmingham Sewage Bill, after a conflict between a city and two landowners was an admirable example. That Bill was thrown out on a division by a majority formed of hon. Members who represented vastly fewer voters than did the Members who voted in the minority. So far as we could judge the opinions of the voters by the opinions of their Members the present President of the Board of Trade and the right hon. Baronet the Member for Tamworth were in a minority of 500,000 voters on that occasion, although they had a majority in the House. Our proposals as to re-distribution have been met by an attempt to frighten the country by the bugbear of a vast disfranchisement. It is not disfranchisement that we propose. If you equalize borough and county franchise at the same time when you re-distribute seats there will be no actual disfranchisement of any individual elector, but only a reduction of the unduly great political importance which has hitherto been given him. No voter would cease to have a vote; he would have his county vote instead of a vote in an over represented borough; that is all. The Conservative Party, from whom the majority of the supporters of the small boroughs are now drawn, are accustomed to declare that it is good Conservative doctrine that political power should be given, not to numbers, but to intelligence and to property. By upholding the special, and unduly great, representation of decaying communities, of a few hundred voters each, they do not, as a rule, whatever may be the case in certain isolated instances, place the representation in the hands of electors who can be fitly said to well represent either the property or the intelligence of England. If we compare the property and intelligence of the largest and those of the smallest towns, we shall not be brought to the belief that in giving 150 times as much proportional power to the latter as they

give to the former, Conservatives are taking the best course towards carrying out their object. It may however be pleaded, even on behalf of numbers, which they are fond of contrasting with property and intelligence, that it always is assumed in all political discussion, that a majority in the House of Commons represents, or ought to represent, a majority of the electors of the country. The majority of electors; not a majority of rich voters in particular, but of voters rich or poor. Wealth ought to have obtained, has obtained, its fair influence at the elections by which any House of Commons is, or can be returned. Property, too, is specially represented in the House of Lords; and the modern theory of the House of Commons is, that it represents the people who have each one his life and limb and work or trade and property itself, however small that property may be, within the control of law. To the laws of England, then, the consent of all the English people through their Representatives is, or should be asked. If it is a maxim of the Constitution that all who have to pay the taxes should be consulted upon the taxation which they will have to bear, it is even more clear now than ever at any time before, that all the rural ratepayers at least should be given their small share in government. I have heard that some may vote with us this year who have abstained from voting in the past. I not only hope that that is true, I not only believe that it is true, but I see reasons why men should join us now who have hesitated up to the present time. I speak not of unworthy motives, I allude not to political ambition, but the reasons which I have in view are drawn from the conduct of the Government itself. Only this year they have pledged themselves that they will soon destroy an organization of county government which has existed in England from the Saxon times. For nomination they are going to substitute election. What clearer duty can lie before all Englishmen who can lay a claim to the title Liberal than to insist that the new system of election shall not be such a miserable compromise as that which the Government in a Bill before the House have proposed for Scotland, but shall rest on a wide and a defensible base. What could be clearer policy for the Conservative party, if they would only dare it, than by

Sir Charles W. Dilke

basing our whole political system, in country and town alike, upon the possession for a certain time of a fixed home, to establish a new foundation for the Constitution which they might hope would live as long as our country itself shall exist.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it would be desirable to adopt a uniform Parliamentary Franchise for Borough and County constituencies,"—(*Mr. Trevelyan*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SMOLLETT: More than two years ago, an incident occurred in this House to which I desire to call attention for some moments. In the Session of 1875 a Motion was made to issue a Writ for the election of a Member to serve in Parliament for Stroud, in Gloucestershire. A Motion of this nature, being matter of form, is usually passed without observation; but, on this occasion, it was opposed with some vehemence by the hon. Baronet who represents the City of Carlisle (Sir Wilfrid Lawson). That hon. Gentleman treated the proposal as a mere device to bring into the House of Commons a man of talent and abilities—qualities which he said were very undesirable in any Member, and were most unsuitable for a Gentleman sitting on the Opposition benches. The presence alone of the ex-Member for Kilmarnock—for Mr. Bouverie was the party indicated—would, he declared, destroy the repose, and would put an end to the holy calm, which had spread over the benches on both sides of the House ever since the Conservative Administration had been installed in office. Now, if repose be really needed, if an absence from divided courses were required to cement the discipline of the once powerful, but now disorderly, Liberal Party, surely, some of the foremost men upon the Opposition benches must curse, in their hearts, the electors of the Border Boroughs who had sent to this House as their Representative a Gentleman of acknowledged talent, a statesman who thinks for himself, and who has adopted as a Party cry the question of an un-

limited extension of the suffrage. By means of this cry, the hon. Gentleman doubtless hopes to bring that section of the advanced Liberal Party with which he is connected, into office, at some period more or less remote; but he must well know that the discussion of this question is distasteful, at the present time, to many thoughtful men in the Liberal ranks. These Gentlemen dislike the scheme by reason of its own demerits; and they detest it the more, because at this moment the matter is regarded by the masses out-of-doors with apathy, indifference, and neglect.

The hon. Member for the Border Boroughs must be perfectly cognizant of the disunion which prevails in the Opposition camp on almost all important matters of policy, both foreign and domestic. The only subject-matter upon which the Liberal Party is at one, is the Burials Bill. The hon. Gentleman must know that, irrespective of the Members from Ireland who swarm below the Gangway, and who have an organization of their own, repudiating the discipline of the Liberal Whips, there are seated around him Liberals and Liberals. There are upon the Opposition Benches men who style themselves advanced Liberals, who will eagerly support the Resolution now before the House, for they are men who prate about the sacred right of insurrection, men whose political sentiments gravitate towards Republicanism. Again, there is a large body of hon. Gentlemen upon the opposite side who may be called earnest Liberals, men who are always yearning to bring within the pale of the Constitution parties who have not yet acquired the privilege of voting, and these hon. Gentlemen will doubtless support the Resolution. I have little or no sympathy with politicians of this class, and for this reason, that for 60 years of my existence I lived without a vote, and I never felt the want of one. It is true that in recent years I have purchased two small freeholds which now qualify me to be a voter in two counties. I am, in point of fact, one of the proprietors adverted to by the hon. Member for the Border Boroughs, of the Shaws Estate in Peeblesshire; but I have not found myself, since I became a voter, to be either an abler, a wiser, or a better man. Moreover, if the Resolution under debate be adopted, and if the county

franchise be really assimilated to the borough franchise, I shall lose these votes; for the borough franchise is an occupation franchise, and my votes are what are called in Scotland faggot votes. I shall not regret the loss of the votes, for they have given me an immense amount of trouble in the past. Then there is a considerable number of hon. Gentlemen, mostly seated above the Gangway, who may be called aristocratic Liberals, men who assume the appellation of Old Whigs, and a very respectable appellation it is. Those men are, to a large extent, the possessors of "Old Acres," and they have in their ranks a considerable amount of brain power. Now, a Party possessed of these qualifications is entitled to have its voice heard in the Councils of the nation. In point of fact, this Party did make its sentiments known to the country in the winter of 1874, and in the spring of 1875. Upon those occasions the Whig Members, to some extent, visited the constituencies which returned them to Parliament, and to their constituents they freely unbosomed themselves. These hon. Gentlemen frankly admitted that the Party had met with an awful mauling at the General Election in February, 1874; but they said that they had anticipated defeat, and had discounted defeat. They insisted that they had been discomfited, not through the moderation of their political opinions, but by the mischievous restlessness of their Leader. Who the Leader was I need not mention. These hon. Gentlemen continued to profess unbounded reliance in the truth of Whig principles. Whig principles were indeed the proud inheritance of the Anglo-Saxon race. Whig statesmen, they declared, never advocated extreme or violent measures of organic change, and proposals for assimilating the franchise in boroughs and counties, and suggestions for the wholesale creation of electoral districts throughout Great Britain, they considered violent and revolutionary measures of change. In the pursuit of Constitutional amendments of the Representation, the Whigs, they said, desired to see the Constitution dealt with upon the principles of homœopathic treatment. In short, it seems to me that some lines written by Mr. Canning, and published in *The Anti-Jacobin* some 74 years ago, addressed to the followers of Mr. Adding-

ton, then known by the sobriquet of "the Doctor," fitly express the cream of Whig policy at the present juncture. The lines were these—

"They no random measures urging,
Make us vain alarms to feel;
With moderate doses gently purging,
Ills that prey on Britain's weal."

Well, Sir, I am opposed, like the Whigs, to the constant application of drastic purgatives to the British Constitution. But the hon. Member for the Border Boroughs is a Liberal of a wholly different kidney, albeit, he is the nephew of his uncle, Lord Macaulay, one of the mildest Whigs of his generation. The hon. Gentleman saw clearly the overthrow that was awaiting his Party, but he saw it from a different platform, as I shall show. The hon. Member went down to Liverpool, if I remember rightly, in the autumn of 1873. The object of his visit was to take part in the opening of a new Reform Club in that great town. After the ceremony was completed there was a dinner and a drink, and at the jollification in the evening the hon. Member was the London star of the night. He made a capital speech, for few can do the *post-prandial* part of the entertainment better. The hon. Member told his Lancashire friends that they and the cause to which they were so fondly attached would come to grief at the next General Election, unless they were prepared to accept the policy which he then and there tendered to them for adoption. His advice was, shortly, this—he said they must bring out and parade before the public the Reform engine which had been for some time laid up in ordinary. He insisted that they must put it, and keep it, in a thorough and perfect state of repair; that they must have always alive under the boilers a rattling fire; and at Election times, that they must emblazon in letters of gold, upon their banners, blazing measures of organic change. These, said the hon. Member, are the only methods by which the Liberal Party can be brought to act in unity for the future; and the hon. Member was quite right in thinking so. Well, the General Election came off in February, 1874, much sooner than was expected, and with it came the collapse of the Liberal Party. I shall not stop to inquire why the ruin came. One Member of the late Cabinet is reported to have stated pub-

licly, that he and his Colleagues were "lied out of office"—a very coarse expression, but coarse men will force their way into Cabinets in these degenerate times. Here, however, we have to-night the hon. Member for the Border Boroughs, true to his principles, propounding for acceptance to this House a Resolution which will pledge the Legislature in the future to carry out huge schemes of Constitutional change, the discussion of which is, I repeat, gall and wormwood to many of the moderate Whig politicians seated on the Opposite benches. I state this, indeed, upon the supposition that there is some honesty in political life—a belief in which, the longer I live, I am more and more inclined wholly to repudiate.

The abstract Resolution now moved will, if it be adopted, bring about much greater and more momentous changes in British institutions than those wrought by the great Reform Bill of 1832, or by the leap in the dark of 1867. The application of household franchise to counties will add, it is calculated, at least 1,000,000 of fresh votes to the counties of England and Wales alone. The present constituencies do not exceed 700,000 electors. If the freeholders be eliminated, the present electors would not exceed 500,000, and the new electors will be more than double the old constituencies. I cannot see myself how there can be a real assimilation of county and town voting if the freeholders are retained. Now, this is a gigantic measure of Reform, and yet the hon. Member for the Border Boroughs has always spoken of his proposals as involving a very modest measure of political change. In Scotland and in this House he has frequently stated that the proposal is a mere corollary to the Bill of 1867. He has spoken of it as an adaptation to the present time of a measure introduced into Parliament in 1859 by the Cabinet of the late Earl of Derby, and pressed for acceptance on the country by a Conservative Administration. Now, I perfectly remember the Bill of 1859, and the circumstances under which it was launched. The Session of 1859 opened with a Speech from the Throne, produced by a Liberal Cabinet, presided over by Lord Palmerston. In the Royal Speech it was announced that a Bill for the improvement of the Representation of the People

in Parliament would be laid before both Houses. No Bill, however, of this character was introduced by the Government, simply because, within a very few weeks, the Cabinet of Lord Palmerston was tripped up. The Administration was placed in a minority through an intrigue or cabal led by Mr. Milner Gibson and by Lord John Russell, two ambitious Whigs, who had been left out in the cold, and who were very desirous of place. When Lord Palmerston's Cabinet resigned, Her Majesty entrusted the formation of a new Ministry to the late Earl of Derby. The Cabinet of that Nobleman conducted the Administration in a makeshift fashion for three months, and by that Cabinet the Reform Bill of 1859 was introduced agreeably with the promise held out in the Queen's Speech. The Bill of Reform in that year was certainly framed on homoeopathic principles. The proposal did, indeed, attempt to assimilate the franchise in boroughs and counties, but without success. The main feature of the Bill was a reduction of the £50 tenancy qualification in counties to a £10 rental qualification. The next proposal was to deal with the freehold franchise. The Bill of 1859 enacted that when the freehold was situate in a borough, the owner should vote for the borough; and that when the freehold was situate in the county, the owner should vote for the county Members. The Bill proposed to take 15 single seats from the smallest boroughs and to confer those seats on large towns and extensive counties. But how was the Bill met? It was opposed, mainly on the ground of its assimilation tendency. Lord John Russell moved an abstract Resolution in obstruction of the Bill. The Resolution stated, firstly—

"That it was unjust and impolitic to interfere in the manner proposed in this Bill with the freehold franchise as hitherto exercised in the counties of England and Wales;" and, secondly, "that no re-adjustment of the franchise would satisfy the House or the country which did not provide for a greater extension of the borough franchise than was contemplated in this Bill."

This Resolution was carried by a considerable majority, and the Bill was not proceeded with. The Resolution had the general support of the Liberal Party, and it was entirely hostile to the principle of assimilation. From that date no Ministry has again proposed to assi-

milate the franchise in town and country. But, apart from this, any comparison of the Bill of 1859 with the present proposals is farcical. Under any Bill framed in the spirit of this Resolution it will be necessary to erase from the electoral map every borough under 30,000 inhabitants. Great Britain, under a new system like this, must be parcelled out into electoral districts. If the proposal for the re-adjustment of political power does not go to the extent at first of equal electoral districts, an agitation to that end will at once arise; and the demand is one which cannot be resisted. For 10 or 15 years the House of Commons will be pestered with perpetual demands for tinkering and tampering with the Constitution—and all necessary fiscal, social, and legal reforms must cease to be discussed. The result of the whole will possibly be universal suffrage—male and female. Rather than encounter this turmoil I really think that it would be preferable—certainly it would be more business-like—to refer the British Constitution *en bloc* to the tender mercies of a Select Committee. There are men in this House, I dare say, perfectly ready to perfect a brand new Constitution, stock, lock, and barrel, in the course of three weeks. But this is a practical proposal, and because it is so no attention will be paid to it. I therefore must fall back upon a direct negative of the abstract Resolution proposed to-night by the hon. Member for the Border Boroughs.

To secure, however, the negation of the principle of this Resolution by a large majority, we must rely to some extent for support upon my hon. Friends the Whigs, to whom I have referred, and with whom in principle I am at one. The only distinction between us is, that I am disposed to act up to the force of my opinions, while the Whigs are not. I have long observed that men of advanced principles in the House of Commons are men of energy and of political backbone. The Whigs, as a rule, are weak-kneed; they have no bone in them, only a small amount of soft gristle. These hon. Gentlemen practice largely the virtue of abstention, not from liquor, but from voting. The hon. Member for the Border Boroughs, in 1874, brought in a Bill to assimilate the franchise in counties and boroughs. In May, 1874, he pressed the Bill to a division. The second reading was negatived by a ma-

majority of 114 votes. How was this majority obtained? It was more than twice in excess of the normal Conservative majority in the House. Why, many moderate Whigs absented themselves from the division. In scanning the division list it will be found that not more than six Liberal Members voted in the majority. When the division was called for I was present, and with my faithful eyes I saw several hon. Gentlemen rise from the front Opposition bench and walk leisurely out of the House. From the majesty of their gait, and from the apparent earnestness of their demeanour, it might have been supposed that they were engaged in the performance of a solemn public duty. They went out only to liquor up in the Lobby, and to evade voting upon a most important Constitutional principle. Yet these same men, six months afterwards, visited their constituents, and with much tall talk spoke of purity of motive and fixity of principle being the only attributes that made public life endurable in England. Political ambition, tempered with honesty, they boldly declared was the greatest virtue under Heaven. In my judgment men who enter Parliament to follow politics as a profession, to obtain office, or possibly to get a handle to their names, embark in a pursuit which, if their career be a long one, must compel them to eat a great deal of political dirt. Certainly, to avoid voting on a grave subject, for fear that the loud expression of opinion might militate against their accession to office under an advanced Liberal Cabinet, at some future period, is not an heroic nor a patriotic action. A continued adherence to this practice tends to degrade political life, to bring principles and professions into obloquy and contempt.

Upon the present occasion, therefore, I trust that there will be no mistake. I do hope that a considerable portion of the moderate Liberal Party will dissociate themselves this night from their democratic allies, and will vote against the adoption of this abstract Resolution. Measures conceived in the spirit of this Resolution were most certainly condemned by the hon. and learned Member for Oxford City (Sir William Harcourt), in the address which he made to his constituents in the Corn Exchange, on the 21st December, 1874. He then protested against being precipitated into schemes of vio-

lent and extreme change, at the dictation of extreme politicians of the advanced Liberal section. The hon. and learned ex-Attorney General the Member for Taunton (Sir Henry James), at a meeting of his constituents, stoutly announced, in 1874, that he would be no party to a policy which would necessitate the erasure from the electoral map of the town he so ably represents. Let him show himself then, on this occasion, bold enough to vote against the Resolution of the hon. Member for the Border Boroughs. The hon. and learned Member for Poole (Mr. Evelyn Ashley) certainly, at a political dinner in 1875, in the Isle of Wight, expressed himself in a way that would imply his active hostility to a proposal like the present. He thanked Heaven at that county gathering that it was not he, nor his trusted political Leaders, who had brought the residuum or scum of the roughs into the borough franchise. Surely, that hon. Member will not now insist upon the introduction of a more ignorant mass into county constituencies. Lastly, I must mention one more right hon. Gentleman, a staunch Whig, who most ably declared two years ago his rooted hostility to the project of the assimilation of the county to the borough franchise. The party to whom I allude is the right hon. Gentleman the Member for Tiverton (Mr. Massey), who now occupies the seat long held by the late Viscount Palmerston. That right hon. Gentleman, in addressing his constituents in December, 1874

"protested against dealing with great questions of Constitutional change in the revolutionary spirit that actuated the late Government. He protested against the introduction of a new Reform Bill in the present Parliament which would pave the way in a short time to the demand for universal suffrage male and female."

The right hon. Gentleman said that, in his judgment,

"the introduction of household franchise into counties would not improve, it would deteriorate county representation, by bringing in one class of voters who might from their numbers swamp all the rest."

The right hon. Gentleman declared

"his entire satisfaction with the existing franchise, which had brought into being a constituency which expressed the genuine feelings of the people of Great Britain, and which opened an avenue to the House of Commons for every description of talent, information, and public usefulness."

Mr. Smollett

I beg to express my entire concurrence in the sentiments expressed at Tiverton on this occasion. I therefore trust that I shall vote to-night with this Statesman in the same Lobby. Truth compels me to say that on searching the Division Lists I have failed to discover the right hon. Gentleman's name in them. When the proposals of the hon. Member for the Border Boroughs have been tested in this House the right hon. Gentleman the Member for Tiverton has always, heretofore, been conspicuous by his absence.

In conclusion, Sir, I shall strenuously oppose the change in our Parliamentary system shadowed forth in the abstract Motion now under discussion, because I distrust the honesty of intention of those who are its most ardent advocates out-of-doors, on the platform, and in the public Press. These men make no secret of the fact, that proposals of the nature indicated must only be the precursors of future revolutionary change. The men in the country who advocate a fresh Reform Bill are the members of "The National Electoral Union." That Association, not long ago, thought itself of sufficient importance to send a remonstrance to the Liberal Leaders, transmitted through the agency of the Liberal Party Whip, the right hon. Gentleman who represents in this House the county of Clackmannan (Mr. Adam). This remonstrance courteously informed the Leaders that no union could prevail in the Liberal Party of the future unless it was based on these principles—1st, uniformity of franchise in boroughs and counties; 2nd, equality of representation secured by equal electoral districts; 3rd, the remonstrants demanded compulsory registration; 4th, a real, not a sham, lodger franchise; 5th, short Parliaments—meaning, I presume, annual, or oftener, if need be, Parliaments; 6th, candidates should be relieved from payment of expenses; and 7th, that election expenses should be thrown entirely on that good natured but over-burdened jackass, the ratepayer. These are the demands of the Unionists. A Bill equalizing the franchise in town and country, unless accompanied by such an honest re-distribution of seats as should practically place the election of Members in the hands of numbers unencumbered by property they regard as worthless. In

the Press, the chief advocates of the agricultural labourer are equally outspoken. I shall take but one specimen of the London Press, and I select the newspaper which for some years has strenuously supported the claims of Hodge to the suffrage. I allude to *The Examiner*. The London *Examiner* was a newspaper which came into notoriety some 60 years ago, under the auspices of the brothers John and Leigh Hunt. Afterwards it was conspicuous for literary ability under the management of Messrs. Foster and Fonblanc. Latterly it has passed, by purchase, into the hands of the hon. Member for Leicester (Mr. P. A. Taylor), and it is now, I understand, the property of that hon. Gentleman. On passing into the hands of its present owner, the editor, with much propriety, in a leading article set forth the principles which the journal would in future advocate—and these were principles of an advanced Liberal type. The editor, with great *naïveté*, observed that

"the time had not arrived when a successful agitation could be organized in Great Britain against the principle of Monarchy. Before that could be achieved much yet remained to be accomplished."

Under these circumstances, the editor said that the efforts of all real Liberals should be concentrated upon a resolute determination to strengthen democratic power, by lowering the franchise, and thereby increasing the Radical element in the Commons House of Parliament; this done, the disestablishment and disendowment of the Church would follow, with other great measures of Reform, and then no doubt the consummation so devoutly to be wished for—namely, an attack upon Monarchy—might possibly be attempted with success. Now, this is plain speaking; and because it is so, I shall take my stand against these daring innovations. I, for one, am prepared to resist changes proposed because they will aid in converting the Monarchy of Great Britain into a Republic of the future. My hope and trust and prayers are, that ere the Queen's Crown goes down, some Radical crowns shall be broke; and, therefore, I shall oppose the measures shadowed forth in the Resolution under discussion, whether they be proposed by an independent Gentleman seated on the back Opposition benches, or whether they may be pressed upon our accept-

ance hereafter by a Minister of State, standing at the Table, Mr. Speaker, upon your right hand, and advocating changes on the ground that they will conduce to the happiness of the people, and will give increased stability to the Crown and to the dignity of the Sovereign.

MR. STANSFELD said, that if Her Majesty's Government and the Conservative Party were desirous of dealing seriously with a serious question, he could not congratulate them on the fact that the first Representative of Conservative opinion who had risen to express their views had been the hon. Member for Cambridge (Mr. Smollett), who had just resumed his seat. He ventured to say of the speech of the hon. Member, that its strength, if it had any, consisted rather in the recklessness and the coarseness, than in the accuracy and the relevancy of its statements and remarks. The hon. Member made reference to various speeches of hon. Members sitting on the Opposition benches, but not made within the walls of the House, or recorded as part of their debates. He (Mr. Stansfeld) did not know whether the hon. Member had observed the usual courtesy of giving those hon. Gentlemen Notice of his intention to make those references; but he, for one, had so little confidence in his (Mr. Smollett's) accuracy, that if he had given them the fair Notice to which they were entitled, he looked forward to many refutations and denials of his statements before the night was out. Instead of discussing the Resolutions before the House, the hon. Member had given them a recital of the programme of a body called "The National Electoral Union." Now, they had nothing to do in that debate with the programme or platform of any Body, whether influential, or utterly without support in the country. They had simply to consider the prudence and the justice of the propositions contained in the Resolutions moved by his hon. Friend the Member for the Border Boroughs (Mr. Trevelyan). The hon. Member opposite (Mr. Smollett) had largely indulged in the imputation of motives, and alleged that it was not conviction which had led his hon. Friend to bring this subject forward, but the want of some policy and cry which might succeed in uniting the severed ranks of

the Liberal Party. The hon. Member, speaking not only of the Liberals, but of political life in England in general, said that for himself, he had little or no belief in the existence of anything like political morality. No suggestion could be more untrue, and he (Mr. Stansfeld) could only wish the Party opposite joy of an advocate with such a faith, and who opened the debate on their side with such arguments. The difficulty which he felt in approaching the subject was of a different kind from that entertained by the hon. Member. That which was unreal to his mind was not the faith of the Liberal Party in household suffrage, but that he saw nothing like any serious opposition to it. Here was a great measure which, if carried into effect, would extend the suffrage within the reach of no less than 1,000,000 of their fellow-subjects. They were all generally agreed that these persons were not unfit for the exercise of the franchise, and that it would be safe to confer it upon them. They were also agreed that the measure of enfranchisement could not be much longer deferred, and under those circumstances it required much more serious and powerful arguments than any he had yet heard to justify the refusal to entertain the question. He was one who believed in the principle of household, or home suffrage. He was in favour of it when he entered that House 18 years ago, and there had been no period from that time to the present when he should not have been happy to vote for household suffrage being given not only to the inhabitants of the boroughs, but to those of the counties as well. Two statements of the hon. Member (Mr. Smollett) were somewhat more relevant than the rest, but he disputed their accuracy. He said that these proposals were brought forward in the midst of public apathy, indifference, and neglect. That would have been a legitimate argument, if it were founded on fact, for Parliament ought not to enact a large measure of reform for which there was no demand. But was the hon. Member right in saying there was no claim or demand by the agricultural labourers for the extension of the franchise to them. What evidence did they require to show that the alleged apathy did not exist, and that the claim which was denied had been advanced? For some years past a Con-

Mr. Smollett

ference had assembled in London of a most remarkable and significant character. On the 16th of May last there was a Conference of delegates from the country. The delegates numbered 2,500, and little less than 1,200 were themselves agricultural labourers. The fact that these men came up to London at their own expense, or that of their friends, and that they demanded the extension of household suffrage to the counties, was in his (Mr. Stansfeld's) opinion, sufficient evidence of a claim which ought to attract the respectful attention of the House and of the Government. The answer to the hon. Member's argument about Lord John Russell's Resolutions against the Conservative Reform Bill of 1859 was, that a good deal had happened since then. Ten years ago the Conservative Party was in power, and passed a measure giving household suffrage to the towns. His hon. Friend (Mr. Trevelyan) now asked why should not the same privilege be extended to the country at large? How far was it in the power of the Government to object? Of the 1,000,000 of persons whom he proposed to enfranchise, one-half were urban in their character, and it would be impossible for the Conservative Party to formulate any objection to them which would not apply with equal force to the enfranchisement which they themselves enacted for the towns. Somewhat less than 500,000 of the persons it was now proposed to enfranchise were agricultural labourers. These men had hitherto been the Pariahs of political society, and their interests had been overlooked, because of their non-enfranchisement; but it would not do now for the Conservative Party to object to enfranchise a class of men whom they especially affected to trust. Originally, his hon. Friend introduced a Bill which, of course, dealt only with household suffrage in the counties, for no private Member could deal with the re-distribution of seats; but it was objected by the Government that such re-distribution must accompany the extension of the franchise; and, therefore, now his hon. Friend accepted that argument, and by bringing forward these two Resolutions, he placed on record his recognition of the fact that a Bill for the extension of the suffrage must also deal in some way with the subject of the re-distribution of

seats. Last year when he brought the question forward, the Prime Minister objected to the second Resolution, on the ground that the principle of the re-distribution was not laid down, and, therefore, that the matter had not been brought forward in a practical form before the House. Such arguments, however, as to matters of form were, in his opinion, entirely inapplicable to the Resolutions of his hon. Friend. It was not true that a Resolution of this nature should contain a scheme of re-distribution; because, it would be calculated to hamper, rather than to assist, the Government in dealing with the subject. Coming to the objections in point of substance, he would refer first to the view referred to by the hon. Member who had last spoken, of the advantage of variety and of the objections to uniformity in the suffrage. That view had its due weight in its day, but its day had passed, and there was not any considerable fraction of any Party by whom it would now be upheld. It had been slain by him who had been fondest of using it—the Prime Minister of the present day. He had slain it by the Bill of 1867. He remembered the great satisfaction expressed by the Conservative Party, when they had discovered the principle of household suffrage. Having once got on that firm ground, he asked, how could they in justice refuse to the people in the counties the privilege which they had conferred on the inhabitants of the boroughs? Those who looked on our Representative system as a tool-making machine, and the House of Commons as an instrument, or tool constructed to do a certain work, were logical in their objection to pulling that machine to pieces, as a child did his toy, in order to put it together again. But he disputed the premiss altogether. Our Representative system could not be looked upon as a tool-making machine, nor could the House of Commons be regarded as a mere tool or instrument. Such a notion would be inconsistent with the leading principles and most honourable traditions which had guided the Liberal Party. They had never put their faith in the machinery of Government. They, at all events, believed in life—in the life of the people. They said that an extension of the suffrage, under favourable conditions, would give a more widely diffused, a healthier, and a more

vigorous political life to the country; that it would lead a larger number of persons to take an interest in public affairs; and that it would give the House of Commons a more constant and reliable sympathy with the opinions and wants of the people, so that both the Government and the Legislature would rest upon a wider and firmer basis. They believed in no kind of paternal Government, whether despotic, oligarchic, or founded on class representation. What they believed in was the self-government of a free people, as free, as intelligent, and as capable as the English people; and they were convinced that without incurring any danger, but with the greatest advantage to the country at large, they might accede to the proposal of his hon. Friend, and consent to admit 1,000,000 more of their fellow-subjects—as fit as those already within the pale—to the advantages and rights of the political franchise. He admitted freely that the safety of the State was our highest law, and if it could be shown that this extension of the franchise could not be made consistently with that safety, he would also admit the relevancy and force of the argument; but he did not believe that there was a single Member of the House who would say that this was a question of safety, and that they could not venture to extend the suffrage to those people. If, then, the proposal was at once safe and just, he ventured to say it was also serious and urgent. The claim of 1,000,000 men to the suffrage was a claim which ought not, under the circumstances, to be treated with levity or indifference; but when made by the people themselves, as in this case, it should be seriously met and discussed. It was no light matter to treat with levity, a claim the justice of which was generally admitted, and which before long must be conceded. To bring forward common-place objections as to the form of the Resolutions, however, was to treat the question, if not with levity, at any rate, with indifference. For himself—and he thought he might say for the great bulk of those who sat on the Liberal side—they were not disposed much longer to be a tacitly consenting Party to the present state of things, and he ventured to think that the House of Commons, so large a proportion of which owed its return to household suffrage in the boroughs, would best consult

its dignity and even its future usefulness and influence by consenting to Resolutions recording its desire to put an end to the exclusion of 1,000,000 of men from rights to which they were in justice entitled.

MR. GOLDNEY denied the accuracy of the last statement of the right hon. Gentleman opposite (Mr. Stansfeld)—namely, that they were excluding persons from the franchise who had asserted a right to its possession. He admitted that the question was a serious one, but denied that it was urgent. It was a subject which should be dealt with in the most careful and deliberate manner, and he considered that they should have more evidence than had been laid before them that evening before they could agree to the Resolutions which had been presented to the House. Statistical information showed that out of a total male population of 10,500,000, excluding women and children, in England and Wales, there were nearly 2,500,000 electors upon the register at the present time, or almost a fourth of the whole number. With regard to what the hon. Member for the Border Boroughs (Mr. Trevelyan) said about County Boards, he might remark that every county householders had vested in him a right to vote for local government purposes; but this was a very different thing from what was proposed by the Resolution. From the time of the passing of the Great Charter down to the present day, the Parliamentary representation of counties had been guided by the rights of property; whereas, in boroughs, the representation was guided by the rights of occupancy. This difference between the county and borough franchise had been upheld by every Minister of the Crown who had introduced a measure dealing with the representation of the people in Parliament. The proposal now under discussion would add one-third to the existing number of voters, and as the proportion of representation in England and Wales was three-fifths of the borough and two-fifths of the county franchise, any change made in its direction would also involve the necessity for a re-distribution of seats. In this great metropolis there was a population of no less than 4,000,000 out of 10,500,000 who represented borough constituencies. Therefore, a system of equal electoral districts

Mr. Stansfeld

according to numbers would give to the metropolis a representation of nearly 100 Members. This would produce a centralization that would be most detrimental to the Constitution, as, of course, those Representatives would have the whole government of the Kingdom in their hands. The opinions expressed by the right hon. Member for Halifax pointed to universal suffrage, and the change now proposed in the county franchise must lead to a greater enlargement than was at present contemplated. Although he was anxious to see the representation as perfect as possible—as the present system gave a vote to one in four—he thought there was nothing to wish for, unless universal suffrage was adopted. Considering that only two General Elections had been held since the last Reform Act, he thought matters ought to be left as they were for some time longer. Foreigners thought so highly of the stability of our Constitution that they entrusted large sums of money to our care, and the consequence was that we had become the bankers of the world. It was the secure Conservatism of England that drew to us so much of the commercial and financial business of the world, and a great part of our prosperity was due to the confidence put in us by foreign nations. This was so completely the case that to tamper with our Constitution, or to alter it unnecessarily, would be an injury to our trade. He would not, then, wish the House to underrate the effect of the change proposed, which was really a very serious one. The right hon. Gentleman the Member for Halifax had mentioned a deputation to which importance had been attached; but it was notorious that that demonstration was not wholly spontaneous. Nor could he concur with the view that the question was one on which many politicians might be united; those who took that position could not have looked behind the first Resolution at the second, which would commit the House to the principle of electoral districts, and which was fraught with many of the causes of jealousy which had prevailed at the time of the last Reform Bill. That Bill, in his belief, had worked very well, but great caution was necessary, as it would be impossible to undo what had once been done. The Motion before the House actually went further than any that had been

hitherto introduced. It would utterly destroy the principles upon which the existing franchise was based, and, in attempting uniformity, would sacrifice many of the best privileges of the House. He could not perceive, at any rate, that there was any urgency in the matter, especially at a time when the business of the country was almost in a state of stagnation. He believed, by considering a Motion of this kind, they were doing more harm than good, as they were occupying time which might be very much better spent. He hoped that the subject would be allowed to rest, and that the necessary practical measures which provided for the material wants of the country would be pressed forward. He should vote against the Resolution.

LORD EDMOND FITZMAURICE disputed the right of the hon. Member for Cambridge (Mr. Smollett) to be the exponent of Whig principles, the confession of which, together with an historical retrospect, had formed the main part of his speech. They knew that the historian Smollett was the successor of a Tory Hume and the precursor of a still more Tory Adolphus. It appeared to him that the hon. Member was anxious to assist in that operation which had once been described as stealing the clothes of the Whigs while they were bathing. But if the hon. Member wished to be a Whig, his simpler plan would be to sit on the other side of the House. The hon. Member for Chippenham (Mr. Goldney) had taken a different line; and while the upshot of the one speech was, that the last Reform Bill was so terrible that they ought on no account to extend the franchise, the gist of the other was, that the settlement then effected was too charming to be altered. He (Lord Edmond Fitzmaurice) differed from the hon. Gentleman the Member for Chippenham in his conclusion, while agreeing with him in his premisses. He believed that the extension made in the franchise by the last Reform Act was an excellent thing, and they ought to be encouraged by what had been done for householders in the large towns to extend it to the rural districts. He represented in that House one of the smallest boroughs in England, and it was to some extent for that reason that he asked for the indulgence of the House while he made a few ob-

servations upon that occasion. It was a common thing for hon. Members to say that they represented large constituencies, and on that ground to claim the ear of the House. It seemed to him that those who, like himself, represented small constituencies had a much better claim to a hearing in a case like the present, because, while those who represented large constituencies might hope to represent them still, under any possible scheme of reform, the Members for small boroughs were perpetually threatened with political extinction. Above their heads the sword of Damocles was perpetually suspended. As a criminal convicted of a capital offence was asked by the presiding Judge, whether he had anything to say why sentence of death should not be passed upon him, on similar grounds, if on no other, did he ask to be heard. Orator Hunt in 1831 demanded in loud tones in that House why the borough of Calne was not extinguished. Orator Hunt was dead, and the borough of Calne still survived. Mr. Cobden had said that Calne was a dirty village in Wiltshire; but, although that right hon. Gentleman had been gathered to his rest some years ago, the borough of Calne existed still. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) once said that the borough of Calne was so horrid a place that there was scarcely any atrocity of which he could not conceive it capable. He only hoped that no misadventure would ever occur to his right hon. Friend in consequence of the irreverent way in which he spoke of that borough. If he were inclined to doubt of the Providence which watched over Calne, he should be encouraged by the hope that the bacon trade, which although at present small, would, as it was at that time doing, increase so as to make Calne what it had been once called, "the Chicago of England," and that it would enable him, when this question of Reform assumed a practical shape, to claim not only that Calne should retain its present Member, but that it should have a second. The hon. Member for Chippenham objected to the proposal of his hon. Friend (Mr. Trevelyan) on the ground that if it were adopted, we should have to abolish freeholders and have uniformity of franchise. But it by no means followed from the Resolution that they would have uniformity

of franchise, or that they were going to abolish the freehold, copyhold, and other ancient franchises. For his own part, 40s. freeholders, leaseholders, and copyholders were all swept off the register, he would cordially rejoice, not only because those franchises were the means of gross political frauds, but because they were the occasion of the terrible expenses which now attended county elections. He had been told not long ago by a gentleman of almost unrivalled electioneering experience, that if there was to be a reform more than another which was to be carried by the unanimous vote of all Parties, it was to have a single uniform franchise in the counties, whatever that franchise might be, so that party spirit might not be put to the trouble, expense, and annoyance of the present system of registration, with which everybody was disgusted. If he had chosen four years ago, he could have sent every clergyman in North Wiltshire to the roll merely on account of a technical mistake. The arguments which had been adduced by the hon. Member for Chippenham had no doubt been dug out of former Reform debates. Although in 1867 he (Lord Edmond Fitzmaurice) was not a Member of the House, he had the privilege of a seat in the Gallery, and he then heard the same arguments from the eloquent late Lord Lytton in reply to Mr. Mill. He could not understand why if they had an equal franchise they must necessarily have equal electoral districts. The objection of his hon. Friend was large and broad. In a country like this, where you had towns of every size, it would be perfectly possible to map it out into equal electoral districts, whether in the sense of acreage or population. Though he did not know that anyone had ever proposed such a thing, it was said that if they had equal electoral districts, London would have a very large number of Members, and that they would meet in secret always in London, and overawe the House; but there were no fears of that happening. They all knew that at present a large number of hon. Members had residences in London as well as in the country, but they did not attend more regularly in that House than others. He (Lord Edmond Fitzmaurice) was an ardent supporter of the propositions of his hon. Friend the Member for the Border Boroughs; and he belie-

Lord Edmond Fitzmaurice

that if they were agreed to, many improvements would take place in the rural districts. Many things would be done which had been neglected, simply because hon. Members were not bound to the agricultural labourers as they were to the tenant farmers, and obliged to look after their interests. It had been said that the passing of the Reform Bill of 1832 was like breaking up the fountains of the great deep, as after that period reform was carried into every Department, and the most astounding changes took place. Then take the Reform Act of 1869. It enabled the Government in the last Parliament to deal with large questions, because they knew that they had the great body of electors at their back; and yet the argument of the hon. Member for Chippenham seemed to be that if they wanted to have the interests of the agricultural labourers attended to, the best thing to do would be not to give them votes. But he could not understand that argument at all. He must say he thought the very reverse was the fact. So long as they did not enfranchise the agricultural householder, proper attention would not be paid to his concerns. Wherever they had extended the suffrage it had always been attended with great benefit to the class enfranchised. But he believed the advantage in this instance would go far beyond Parliamentary enfranchisement. He believed that when the agricultural labourers obtained a footing in the representation, they would exhibit a greater interest in educational matters than they did at the present time, and that many of those local institutions which were the result of voluntary effort would be extended to the rural districts, and afford the people opportunities of mental improvement which they did not at present possess. Having said thus much in answer to the hon. Member for Chippenham, he must do him the justice to say, living as he did in his immediate neighbourhood, that no one had more disinterestedly devoted himself to the improvement of the labouring classes than he had done; he only wished he would extend his advocacy of their interests to the floor of that House. Now, he believed hon. Members feared less the extension of the franchise, than they did the re-distribution of seats, and that was the grand argument used against the proposal of his hon. Friend the Mem-

ber for the Border Boroughs. In the county to which he belonged they held in great reverence the name and fame of the late Earl of Radnor. In the year 1826 he divided the House of Lords in a minority of 1 in favour of the total abolition of tests, and he afterwards had a pitched battle with Bishop Philpotts. He had the privilege of seeing him a few years before he died, when he still retained, at an extraordinary old age, all the fire and vigour of youth. An hon. Gentleman who was in the habit of reading the newspapers to him, said to him on the morning after the right hon. Gentleman the Member for Bucks had introduced household suffrage, he expected he would have shown astonishment and alarm; but said the Earl of Radnor, "I am not only prepared for household suffrage, but for universal suffrage too." He (Lord Edmond Fitzmaurice) believed that universal suffrage was only a question of time—it was a suffrage which the people of all countries in Europe, excepting Russia, had now. When they had sufficiently extended education, he saw nothing in principle against the extension of the same rights to the inhabitants of the country which were now enjoyed by the inhabitants of the towns. Those who represented small boroughs should be guided by the example and animated by the faith of the late Earl of Radnor. At the time of the Reform Bill of 1830 he was patron of many of those boroughs to which the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) had referred, having the name of "Great" attached because they were so remarkably small. A question arose as to the disfranchisement of Great Downton, of which the Earl of Radnor was the patron, and the two Gentlemen who then sat for that borough asked whether he attached any condition to their occupying the seats. "Only one condition," replied the noble Earl, "and that is that you shall vote for the disfranchisement of Great Downton." He, therefore, hoped that the Members of small boroughs, uninfluenced by sordid or personal considerations, would be ready to give way to the judgment of those whom they followed, if it was found necessary for the good of the country—not of Party, as the hon. Member for Cambridge imputed to them—that the Members for small boroughs should disappear from the

House, so that those large and flourishing communities which were growing up elsewhere should be enfranchised, or that Members should be given to the swarming populations that lay outside the boroughs they represented. He hoped they would act in the same spirit in which the Earl of Radnor did in his day. The hon. Member for Cambridge had reproached the Whig Party, but he (Lord Edmond Fitzmaurice) could look back with much pleasure to that great statesman, Mr. Fox, whose influence was so much felt in that House. The speech, almost prophetic in its instinct, which he made in 1792 in that House was still fresh in every line, and if Mr. Fox should appear there at that moment that speech would not appear either old, stale, or superannuated. He appealed to the Report of a Parliamentary Committee in favour of household suffrage being the proper basis upon which to place English institutions; but, at the same time, he claimed that a certain variety in representation was of the essence of the English Constitution, or, to use his own words, that "the representation in this House should be of a compound character." Substantially the same language, though slightly different in form, had been employed by almost every great writer on our institutions, whether he was a native or a foreigner. Mr. Fox was the forerunner of Sir James Mackintosh, Lord Russell, and many other eminent men in regard to that doctrine; and Montesquieu and M. Guizot also insisted on a compound character being of the essence of representative government as distinct from aristocratic government on the one side and democratic government on the other. He believed there was nothing in the speeches of the hon. Member for the Border Boroughs and the hon. Baronet the Member for Chelsea which was incompatible with that principle of having a certain variety in their representation. Indeed, he believed it was possible to agree to them, and yet to preserve that compound character and to avoid that abyss which threatened, in the proposition, to have equal electoral districts. He would say a few words as to the practical shape which reform ought to take; because they might be fairly asked to show their plan. The House did not wish to take a leap in the dark, though they had high authority on the other side for doing

that. Considering what the Conservative Government avowedly did in 1868 to benefit their Party, it did not become the hon. Member for Cambridge to accuse those on that (the Opposition) side of now being actuated by Party motives in taking up the question. Despite of what had been said by the hon. Member, he held that this subject — the subject of Parliamentary Reform — belonged to the Liberal Party as its inheritance. They had a pedigree of upwards of 100 years to confirm their claim; whereas the claim of the Conservative Party was based upon a pedigree which was only 10 years old. It was taken up by Lord Chatham, it was the political creed of Mr. Pitt so long as he was a Whig, but he abandoned it when he became a Tory. The most important lesson, however, to be derived from the history of the movement was that Parliament had invariably refused to tinker the Constitution; it had always asked that those who proposed a scheme of Reform should produce a broad and comprehensive plan, showing that they appreciated the subject in all its bearings and details. It passed the Bill of 1832 because it was a great measure, and it then went in for "the Bill, the whole Bill, and nothing but the Bill." It refused to pass a small Bill in 1852; it rejected the measure of 1859 and of the following years, whether proposed by Government or by private Members. The Bill of 1866, introduced by the right hon. Member for Greenwich (Mr. Gladstone), under Lord Russell's Administration, was deemed a small and tinkering measure; but the Bill of 1867 was passed, because it was a large and comprehensive measure, based on a definite principle. The House would refuse to tamper with anything so great and venerable as the British Constitution on any other condition; and therefore because he thought the views of the hon. Member for the Border Boroughs and the hon. Member for Chelsea were large, broad, and comprehensive views, so in proportion, he believed, they had a fair chance of receiving the ultimate approval of the House. Having given much consideration to the matter, he thought that if they once began to touch the question of re-distribution they could not interfere with fewer than 150 seats. He did not himself shrink from that, nor did he believe his two hon. Friends (Mr. Trevelyan and

Lord Edmond Fitzmaurice

Sir Charles Dilke) would shrink from it. If they disfranchised his borough (Calne) and others of the same size, they would have to go further and deal with boroughs of not only 5,000 but 10,000, or even more inhabitants. Every town of less than 20,000 inhabitants would have to be content with one Representative. Why, for example, should Barnstaple, with its 11,000 inhabitants, have the right of returning two Members, if Calne was to be deprived of the right of returning one? Notwithstanding this sweeping change, there was not one single town in England which was known as a great stirring centre of independent thought and industry which would be deprived of the right of sending Members to Parliament. Reading, with its 30,000, and Oxford with its 40,000 inhabitants, would not be disfranchised, although Salisbury and Barnstaple, each of which returned two Members, would. If, therefore, the question of re-distribution was taken up it must be on such broad and comprehensive principles as would enable them to have 150 seats at their disposal. Then came the crucial question, what were they to do with the 150 seats when they had got them? By far the best plan to adopt, he thought, would be to give one Member to all large towns that were not represented at all, and which had as large a population as those towns which were partially disfranchised, and to which they would still leave one Member. He believed that the remaining seats would be best distributed by retaining, on the whole, the existing electoral divisions of the country—not mapping out the country into districts returning one Member each, as some reformers had suggested; but giving a large enfranchisement to the householders in the counties, and then adopting either a minority vote or the cumulative vote. They would in that manner obtain what they desired, and, securing that every interest should be represented, and making that House a true mirror and reflex of the nation. He had heard it said that minority representation was a new-fangled scheme, sprung, like Minerva from the head of Jupiter, out of the brains of one or two speculative philosophers living in towns or at Universities. His reply to that was very plain and simple—minority representation had now stood the test of 10 years' experience among the largest

towns and counties in England, and he could not see that the objections to it at all outweighed its advantages. At every School Board Election we had an application of the principle of minority representation—we had cumulative voting; and, therefore, whatever objection there might be to minority representation, it was absurd to say the thing had never been tried. It had been tried not only in this country, but elsewhere. People said—"You may have the very best system of minority representation at a General Election; but how will it work at a by-election?" He did not acknowledge the right of those who were opposed to minority representation to urge that objection, because, after all, what did it come to? Simply that at a by-election the condition of things would work in favour of the majority. And that, on the whole, was a recommendation. Then it was said—"You put a special disability on a minority district." That was an illustration of what was called begging the question. Those who were opposed to minority representation no doubt thought it imposed a special disability; but there were hon. Members in the House—the Member for Hackney (Mr. Fawcett), the Member for Liskeard (Mr. Courtney), and, he believed, the Member for Sheffield (Mr. Mundella)—who maintained that the system was a good one, and that those towns which enjoyed the principles of minority representation were enjoying a special benefit. In Birmingham, in 1868, the minority vote was, no doubt, defeated by a clever arrangement of those gentlemen who ruled the town of Birmingham. But was there no wire-pulling under the present system? Were there no such persons as election agents? It was not in the power of any wire-puller either at Birmingham, or elsewhere, to beat a real minority, if that minority existed. The reason why the minority vote at Birmingham was beaten was, that the minority there was not sufficiently large to elect a Member on the minority principle. He believed that if the most cunning wire-pulling scheme ever devised were applied at a Birmingham election when there was a real Conservative minority, there never would be an instance of keeping that minority out. But in a large country district where there were various interests, and where you could not in any conceivable circumstances

discipline year Party as the Liberal Party were disciplined at Birmingham, he believed it would be absurd to attempt to neutralize the principle of minority voting by the application of any wire-pulling scheme.

Notice taken—that 40 Members were not present; House counted, and 40 Members being found present,

LORD EDMOND FITZMAURICE said, that at the moment when the hon. Member interrupted him, he was about to conclude by thanking the House for the attention with which it had listened to him. He believed that if a large and comprehensive scheme of reform based upon the principle that every householder should be enfranchised were proposed from the Front bench below him, the statesman who proposed it would be numbered with the benefactors of his country, and the nation to which he proffered that scheme would accept it with gratitude from his hands as giving to the country the vigour and energy of democratic institutions without that turbulence and instability which had so often destroyed them.

VISCOUNT EMLYN said, he would admit there were some anomalies in the present electoral system; but the subject under discussion was so large that it was both desirable and necessary that the House should have something more definite in the way of a scheme laid before it than was contained in the Resolutions of the hon. Member opposite (Mr. Trevelyan) before it was called upon to arrive at a decision with regard to it. In order to meet the objection that his first Resolution would involve such a large re-distribution of seats as to practically abolish separate representation for the smaller boroughs in England, the hon. Member had brought forward his second Resolution; but something more distinct than that was required before the House could bind itself to a principle the extent and operation of which it was impossible to foresee. They ought to know the actual length to which the hon. Member proposed to go, and they must be careful that in their attempt to abolish one anomaly they did not create a greater one. If the county and borough franchises were assimilated, the additional number of votes created would practically increase

the inequality in the value of votes that at present existed. He was unable to see how they could carry out the reform advocated by the hon. Member except by forming equal electoral districts. But if they embarked on that enterprise, could they keep those districts equal? They would be ever varying, and provision should be made for their periodical and frequent revision. Much had been said as to boroughs the population of which had grown and, though it properly belonged to the borough, extended beyond its boundaries. In those cases he believed the population would by degrees be absorbed in the boroughs for every purpose. They had been told that in refusing to pass the Resolution they would be casting a slur upon the rural population. That he did not admit. They should remember that although in the neighbourhood of towns the rural labourer was as well instructed as the town artizan, yet, in other districts, the case was very different. For his part, he was perfectly satisfied that the real aim and object in view was practically to gain a stepping-stone first to equal electoral districts, and next to universal or manhood suffrage; and to that principle he should offer a most decided opposition. The hon. Member for the Border Boroughs (Mr. Trevelyan) had stated that there were subjects as to which, as he said, the rural population felt deeply, but had no means of making their opinions known, and he instanced the Burials question. But if the rural population felt really aggrieved on that subject, could it be believed that so very little would be heard of it, or that they could not find means of making themselves heard? That was an argument which might be adopted or dropped as it suited the convenience of hon. Members opposite; but it was one which he thought would have very little weight with the House. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) addressed a large meeting in London not long since on the subject of these Resolutions, and he had no doubt that many hon. Members read the right hon. Gentleman's eloquent speech. He had read it; but when he endeavoured to find the reasons put forward by the right hon. Gentleman for supporting the Resolutions, he confessed he could not do so satisfactorily. The right hon. Gentleman said

Lord Edmond Fitzmaurice

that there were 280 county Members in that House who, he said, were a constant and irremovable obstacle against any change in respect to the question. Did the right hon. Gentleman include in the 280 the noble Lord the Member for the West Riding (Lord Frederick Cavendish) and other county Members who sat on the other side of the House? If so, they must have been surprised at the description he gave of them. Then the right hon. Gentleman went on to deal with the question of land, and told his audience of agricultural labourers that four-fifths of the land was held by 12,000 persons; whereupon the newspaper report stated there were cries of "Shame." What was or could be the object of those remarks? What had they to do with the county franchise? He thought the right hon. Gentleman had, so to say, rather let the cat out of the bag. There was no particular reason that he saw for drawing attention to the subject, unless it was intended to hold out a hope to the agricultural labourers that if they had the franchise that state of things of which he had spoken would be altered. He wished to enter his protest against such language. It could not but raise hopes in the minds of the labouring classes which could not, and ought not, to be fulfilled. It was dangerous; he could not conceive it to be necessary or at all appropriate to the subject on which the right hon. Gentleman was speaking. Well, another meeting was held a short time afterwards at a place called the Frying Pan, in Somersetshire. The object of the meeting was to support these Resolutions, and although there was no right hon. Gentleman present, letters were read from the right hon. Gentleman the Member for Greenwich, the right hon. Gentleman the Member for Halifax, and the hon. Member for the Border Boroughs, expressing sympathy with the objects of the meeting. The Resolutions were approved, but the meeting did not stop there. They passed a further resolution—and this was a few days after the right hon. Gentleman made the speech to which he had referred—stating that population was increasing beyond the extent which the limited area of the United Kingdom could feed, save by a greatly increased cultivation of the soil—that the area of cultivable land should be extended and parks limited; that

game should be confined to closes and parks, and the Game Laws abolished; that the unpaid magistrates should be removed; that all poor pasture be broken up, and securities taken for the highest cultivation of the land, thus finding remuneration for labour as well as cheap food for the people. Well, if those proposals were to be included in the hon. Gentleman's Bill, it would certainly be a very comprehensive one. But this occurred two or three days after the right hon. Gentleman's speech, and showed that he, having given some sign of dealing with the land, had caused many dangerous thoughts to stir in the minds of those who agitated upon this question. They had been told in that House by the right hon. Gentleman opposite (Mr. Stansfeld) that this was not a Party question, and ought not to be dealt with in a Party spirit. He asked the House whether the spirit shown by the right hon. Gentleman the Member for Birmingham was one which should be evinced on a question of this kind? Was it necessary to put dangerous thoughts into the heads of the agricultural labourers, and to set class against class, and stir up Party feeling on such a subject? For his part, he thought it ought to be treated in a much calmer spirit. He could wish that some definite and tangible scheme had been laid before them. They had heard of universal and manhood suffrage, and the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) had spoken of the representation of numbers as opposed to the representation of property. Why, then, did not the hon. Baronet include those subjects in a Resolution of his own? They had now, however, to deal with that of the hon. Member for the Border Boroughs, and he trusted it would be rejected by a large majority.

MR. MACDONALD said, he should have contented himself with giving a silent vote but for the speech delivered by the hon. Member for Cambridge (Mr. Smollett). He repudiated, especially as far as the agricultural labourers, the ironworkers, and mining population of the country were concerned, the assertion of the hon. Member, that this Resolution would introduce a "worse lot" into the county constituencies than were now entitled to vote for the boroughs. They were a peace-loving and law-abiding class, and such a

this Resolution would give them no franchise at all; it was holding out a fallacy; and to give them the county franchise Government must legislate in a manner which would be entirely antagonistic to the principles of the Act of 1868. As the Resolution was framed the effect would be to make a violent change in the Constitution of the country for the purpose of effecting an alteration that would benefit a very small part of the agricultural population. It would also necessitate a very considerable change in the constituencies of the country. It would swamp many boroughs, and render necessary a corresponding alteration by carrying out an extensive redistribution of seats, and there existed many reasons why such a step should not now be taken. He believed that the extension of the franchise, as regarded the rural constituencies, would be favourable to the Conservative Party, for the agricultural population were not only Conservative by habit, but they were brought into intimate relations with the landowners and with their employers, for whom they had great respect, and to whom they were generally much attached. But he took a larger than a mere Party view of the question, and what he asked himself was, whether the passing of the Resolution would tend to strengthen the institutions of the country; and, as he could not answer that question in the affirmative, he had no hesitation in voting against it.

MR. KNATCHBULL-HUGESSEN observed that with one notable exception all the speakers who had addressed the House had spoken in a serious, sober spirit, recognizing the importance that belonged to this question. That exception was the hon. Member for Cambridge (Mr. Smollett), and it was not the first time that the House had seen reason to question the taste with which that hon. Gentleman addressed it. He divided his speech into two portions: he gave them a dissertation on history and a criticism on his opponents. With regard to his criticism on his opponents, his argument had been sufficiently disposed of by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice); and with regard to his dissertation on history, it was certainly not very interesting and it was altogether unnecessary. In fact, it reminded him (Mr. Knatchbull-Hugessen) of a passage he

had lately read that Hume had written in his history but the stupid finish which he gave when he heard that House, as a "mauling" - "liquored up" - "coarse men" - into a Cabinet mind that no and manner follow the which was not only excuse Cambridge was some accident enable him Cabinet, qua own definition was not so should be extended but whether for extending the old stock as that the time was in station, was favourable, country was had lived in country and it had and better trying the not afraid ground that might expect had been those who wanted so not frightened were told solution was universal suit that that liberty and believed that station was taxes and had *prim* the appropriate control The brother they rest that Cor then can necessary secure the Stat

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ally in political matters, to receive the franchise. But what was the answer to that? Educate them—not by the slow process of sending them to school, but by giving them the franchise. What educated people so well in matters of that kind as telling them that they had great and important duties to discharge, and that they had a right to take part in the Government of the country. His own experience had shown him that this was an important means of political education. In 1865, before household suffrage was adopted, the non-electors in towns took an interest in Parliamentary contests, but their questions to candidates were vague and often not pertinent, and there was little difficulty in giving unsatisfactory and illusory answers, which were readily accepted; but since the franchise had been given to this class of men they had met together and discussed political topics, and read newspapers, pamphlets, and political works; so that when a candidate went down among them, questions were put to him which he found more difficult in disposing of, and to which he (Mr. Serjeant Spinks) would not advise the candidate to attempt giving a vague or illusory answer. He thought, therefore, that these were people to whom the franchise might very fairly be extended. Even if these voters would turn against Conservative principles, justice ought nevertheless to be done. That might happen in the counties which happened in the boroughs after the Reform Bill in 1868, when the new voters turned against the dominant power, which at that time was Liberal; but, in time, the impulse would expend itself, and though the agricultural labourers might at first go against masters and landlords, they were not Radical; they were more or less Conservative; they were brought face to face, from day to day and hour to hour, with Nature, which in all her operations was strictly Conservative. The second Resolution was the necessary consequence of the first; it would be necessary to make some re-distribution of political power. There were 187 county and University Members and 302 borough Members; and there were 850,000 voters in the counties and 1,500,000 in the boroughs; so at present boroughs and counties were fairly represented; but if 1,000,000 were added to the county

voters, there would be a disparity which could be corrected only by re-distribution. But how that was to be effected was a matter for future consideration. The Resolution stated what would be fair and just, and therefore he would give it his support. He would only say that he could not go into the Lobby against his Party, probably accompanied by no other Conservative Member, without some feeling of pain and regret. But he consoled himself with the reflection that in doing so he was simply acting as a pioneer in the matter, and that he should be followed by his Party in due course. The noble Earl at the head of the Conservative Party would not stop short in his career of usefulness; having given household franchise to the urban districts, he would before long confer it on the rural; and, having consolidated our Empire in the East, he would, by this reform, found a still nobler empire at home where, all governed but still all governing, the humblest and poorest would vie with the rich and the mighty in amending the laws and institutions, and consolidating the power and resources of this great country.

Mr. GREGORY said, it was impossible to deny that the two Resolutions involved a Reform Bill; and as it was only 10 years since we passed one, it was premature to incur the disturbance that would be produced by passing another. To a large extent the workers in mines and in factories were enfranchised by the extension of the boundaries of boroughs which accompanied the last Reform Bill and the creation of new ones. It was implied that the Parliamentary franchise in boroughs and counties was to be on the same footing, and was to depend on residential qualification; and, if that were so, it did not follow that agricultural labourers, for whose benefit the proposal was made, would be enfranchised, because many of them were employed from week to week, and occupied cottages, the rent of which constituted part of their wages, being exempted from the payment of rates and other obligations usually incident to occupation. This arrangement grew out of the ordinary relations of farmer and labourer, and was adapted to their mutual convenience. So far, then, as a large part of the agricultural population which lived in cottages was concerned,

this Resolution would give them no franchise at all; it was holding out a fallacy; and to give them the county franchise Government must legislate in a manner which would be entirely antagonistic to the principles of the Act of 1868. As the Resolution was framed the effect would be to make a violent change in the Constitution of the country for the purpose of effecting an alteration that would benefit a very small part of the agricultural population. It would also necessitate a very considerable change in the constituencies of the country. It would swamp many boroughs, and render necessary a corresponding alteration by carrying out an extensive re-distribution of seats, and there existed many reasons why such a step should not now be taken. He believed that the extension of the franchise, as regarded the rural constituencies, would be favourable to the Conservative Party, for the agricultural population were not only Conservative by habit, but they were brought into intimate relations with the landowners and with their employers, for whom they had great respect, and to whom they were generally much attached. But he took a larger than a mere Party view of the question, and what he asked himself was, whether the passing of the Resolution would tend to strengthen the institutions of the country; and, as he could not answer that question in the affirmative, he had no hesitation in voting against it.

Mr. KNATCHBULL-HUGESSEN observed that with one notable exception all the speakers who had addressed the House had spoken in a serious, sober spirit, recognizing the importance that belonged to this question. That exception was the hon. Member for Cambridge (Mr. Smollett), and it was not the first time that the House had seen reason to question the taste with which that hon. Gentleman addressed it. He divided his speech into two portions: he gave them a dissertation on history and a criticism on his opponents. With regard to his criticism on his opponents, his argument had been sufficiently disposed of by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice); and with regard to his dissertation on history, it was certainly not very interesting and it was altogether unnecessary. In fact, it reminded him (Mr. Knatchbull-Hugessen) of a passage he

had lately read, wherein it was said that Hume had written a very good history but that Smollett had made a stupid finish of it. He confessed when he heard such language used of that House, as that a Party had a "mauling" — that hon. Gentleman "liquored up in the Lobby," and "coarse men sometimes got by accident into a Cabinet," the thought crossed his mind that no deterioration of such a kind and manner of speaking was likely to follow the extension of the franchise which was now demanded; and that was the only excuse for the hon. Member for Cambridge was his probable hope that some accident might occur which would enable him to enter the Conservative Cabinet, qualified under the terms of his own definition. The question to be decided was not so much whether the franchise should be extended some time or not, but whether this was the proper time for extending it. They had heard the old stock arguments against it — as that the people did not want it, that the time was inopportune, there was no preparation, wait till the time was more favourable, and the Constitution of the country would be destroyed. But he had lived to see the Constitution of the country destroyed half-a-dozen times, and it had always risen each time stronger and better for its destruction. In voting the vote he should give he was not afraid to take somewhat of a ground than had yet been taken, and might expose him to the imputation of having been already thrown out — those who advocated this measure wanted something beyond. He was not frightened by phrases; and when he was told that the adoption of the Resolution would lead to manhood or universal suffrage, he was prepared to say that that was the very foundation of liberty and of a free country. He believed that the theory of a free Constitution was this — that every man who paid taxes and discharged his duty as a citizen had *prima facie* a right to a share in the appointment of those who were to control the government of the country. The broader the foundation on which they rested the Constitution the stronger that Constitution would become. Then came the question of limitations necessary to preserve good order and secure good government. It was for the State to say what limitations should

Mr. Gregory

be imposed. But what was the State? an aggregation of individuals; and as the laws which were made for the benefit of all should be such as the common sense of all would lead them to respect, so anything which was done by way of limitation and diminution of individual rights for the general benefit should be done upon principles of common sense, reason, and justice. Now, limitations as to age, as to fixed residence, as to paupers and criminals, and as to persons who held particular offices which rendered it undesirable that they should vote, were quite in accordance with common sense. Then, again, there was the limitation as to sex, upon which much difference of opinion existed, but to which the majority of mankind still adhered. But when the State imposed a limitation resting upon locality and the accident of residence alone, it was one which he maintained could not be defended by common sense or by any principle of justice. The persons for whom the franchise was now asked were denied it on the miserable ground that they lived on one side and the enfranchised on the other side of what had been well called an "imaginary line." Was not that an inequality and an anomaly which ought to be removed, and could it be wondered at that those who suffered from it should bitterly feel their exclusion? It was said, as an argument against the present proposal, that there was no agitation. He never knew how to deal with arguments of this kind. Was agitation wanted or was it not? If there had been agitation it would probably have been said that class was being set against class. He did not think there had ever been a demand made for the franchise in a more proper and at the same time more determined spirit than the present demand. If there had been no rioting and no attacks upon property, that did not prove that the demand was less earnest than it would have been if such things had occurred. It only showed that the temper and education of the people had improved, and it was an additional argument in favour of giving the franchise. This was a question affecting more than the agricultural labourers, but no doubt they formed a considerable proportion of those who made the demand. For his part, he could not understand the extraordinary dread of agricultural labourers

which some hon. Gentlemen seemed to feel. He had lived amongst them in the country all his life, and had a great regard for them. Indeed, he did not know any class to whom he would more willingly confide the franchise than to them. He would not cast a stigma on the country landlords and clergy by supposing that the education of the agricultural labourers had been so much neglected that they were not as fit to receive the franchise as any other class. He had attended their recent demonstration, and could testify to their apparent sincerity on that occasion; and he thought it a little hard that when these men came to London at their own expense—thereby proving their earnestness—and made a perfectly peaceful demonstration, they should be sneered at as taking part in a foolish and galvanized agitation. His noble Friend (Viscount Emlyn) had blamed his right hon. Friend the Member for Birmingham (Mr. Bright) for some observations which he had made at that demonstration with regard to the limited number of the possessors of land, and had accused him of setting class against class. Now, he (Mr. Knatchbull-Hugessen) had heard those observations, and could not agree that such was their tendency. As he understood the matter, his right hon. Friend, addressing a large meeting of persons who were seeking the franchise, many of whom were agricultural labourers, pointed out to them, among other things, that there were in the future questions likely to arise relating to the land of this country, and that unless their demand was conceded, they who lived on and by the land would have no voice or influence whatever in the determination of those questions. That seemed to him (Mr. Knatchbull-Hugessen) a perfectly legitimate argument; and, speaking as a landowner himself, he would tell his noble Friend and other landowners in and out of that House, that they were much mistaken if they thought they could prevent these land questions from coming under the consideration of Parliament. They were questions of the future which must and would be considered. It was not the man who exposed the abuses so much as the man who strove to maintain them who really set class against class; and true wisdom would dictate our looking ahead and examining all these questions fully and dispassionately, rather than

attempting to put them aside and blaming those who called attention to them. One objection to the Resolutions was that there ought to be a definite scheme proposed with reference particularly to a re-distribution of seats. He admitted that a re-distribution of seats must come, but the two questions depended on different principles. In the one case there was a great denial of justice to many individuals; in the other there was an injustice as between locality and locality. The question of enfranchisement was the more urgent, and could be dealt with separately. When the time for re-distribution came, his noble Friend (Lord Edmond Fitzmaurice) would defend Calne, and he (Mr. Knatchbull-Hugessen) would defend the interests of the larger borough which he represented. But when he was told that he ought to oppose these Resolutions, because some day or other his borough might be affected, he replied that he would not do his constituents such discredit as to believe that from any fear of possible future injury they would wish him to refuse anything the demand for which was founded upon principles of truth and justice. Looking at the question as a whole, he was of opinion that those places ought to have the most wide representation which contributed most to the taxation of the country and its general prosperity; and when hon. Members raised the bugbear of the undue preponderance of Members which the Metropolis would have under an altered system of representation, he said that all these questions would have to be fully and fairly considered at the proper time. In the case of the Metropolis the fact that its Members, from their proximity to the House, were able to attend to their Parliamentary duties more easily than other Members, and that a great many Representatives of other constituencies resided in the Metropolis for a certain period of the year, and were therefore, in reality, as much interested in London as its own actual Representatives, ought to be taken into consideration. The time, no doubt, would come when there must be a re-distribution of seats; but, when it did come all that any individual Member could do would be to make out the best case in his power for his own constituency, while he was not frightened by any personal or local reasons from doing what he thought

best for the general interests. Some said that the change now proposed was a small one, and others appeared to regard it as one of great magnitude. Now, if it were only a small change, it could not do a great deal of harm; and if a large one, it was clear that it was so because a great number of persons were now unenfranchised. You could not have it both ways—either the injustice was so small that its removal would hurt no one, or so large as to require immediate attention. He did not think it at all impossible, he might add, that what had been said by his hon. and learned Friend the Member for Oldham (Mr. Serjeant Spinks) might turn out to be correct, and that the noble Lord at the head of the Government might be the man to introduce such a measure as that now advocated on the Opposition benches; but come from what quarter it might, if the measure was a good one it should have his support. He owned that he should be glad to see his own Party borne into office upon this or any other popular movement; but so strongly did he feel the justice of the demand now made, that he would rejoice to see Lord Beaconsfield recognize it as the logical conclusion of the household suffrage in boroughs which he had introduced. It was said that the respect which was entertained by foreign nations for our institutions was due to their stability, and so it might be to some extent, although he believed that it was rather due to their appreciation of our national character; but that stability, it should not be forgotten, was due to the elasticity of our Constitution and the wisdom of those who in past times had guided the destinies of the country, and who had known how from time to time to make concessions to popular rights. Before he sat down he wished briefly to allude, as it had already been referred to, to the speech which had been made a day or two ago by his right hon. Friend the Member for the University of London (Mr. Lowe) at a dinner given by the Mercers' Company. In that speech his right hon. Friend said that before we pulled the Constitution to pieces, we should carefully consider whether we should be able to make a good job of it, and that unless some great danger or difficulty occurred it might be better to rub along in our present position. [Admiral Sir WILLIAM EDMONSTONE: Hear,

Mr. Knatchbull-Hugessen

hear!] He heard the hon. and gallant Admiral cheer; but what, he should like to ask him, would he think of a commander of a ship who, having had his attention directed to certain defects in his ship, would wait until a storm arose to put his vessel in order? There would, he thought, be little wisdom in such a course. The fact was that the demand now made was one which—whether it was granted in 5, 10, or 15 years—must sooner or later be granted; and why not, he would ask, accede to it while it was gracious and generous to do so, instead of waiting until it was wrung from you by popular agitation. For his own part, it was because he believed the demand was just, and that granting it would tend to strengthen the institutions of the country by adding to the constituencies a class in every way entitled to exercise the franchise, he would give the Resolution his cordial support.

MR. E. STANHOPE said, he had, while listening to the debate, felt much sympathy for the hon. Member for the Border Boroughs (Mr. Trevelyan). That hon. Gentleman had been moderate in his remarks, and in preparation for this debate certain influential journals had attempted to minimize the effect of the change now proposed, in order to attract into the very wide net which he had spread some big fish, whose adhesion to the cause was essential to the unity of the Party opposite. The hon. Gentleman had introduced the subject to the House in an eloquent speech; but he (Mr. Stanhope) regretted that his remarks were somewhat of a sensational nature. He referred to a good many names eminent in the history of the country, the bearers of which, if they had been present that evening, would, he was sure, be logical enough to admit that the principles enunciated by many of the supporters of the proposed change would go a great deal further than household suffrage, and that the adoption of the Resolutions before the House, as interpreted by their speeches, could never be regarded as a settlement of the question at issue, or as having anything like the character of finality. Even in the course of the discussion that evening, the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) did not seem indisposed to consider the subject of universal suffrage, while some of the

propositions laid down by the right hon. Gentleman the Member for Halifax (Mr. Stansfeld) appeared to him to go still further. If they were to adopt the principle of enfranchising everyone who had anything special to tell them, it would apply, not only to all men, whether householders or not, but to all women. Then there was the speech of the right hon. Gentleman who had just sat down (Mr. Knatchbull-Hugessen), and who, although he had not actually declared for manhood suffrage, had given some strong reason for the adoption of that system. The hon. Member for the Border Boroughs was followed by the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), and they both together were somewhat like a double-barrelled gun in dealing with the subject. The clients of the former hon. Gentleman were, in the first place, the miners and skilled artisans living outside the borders of boroughs in our smaller country towns. But while we might freely admit the fitness of these men, speaking generally, for the franchise, and the anomaly of a system which gave a vote to a man living on one side of a line, and refused it to one who lived under precisely similar circumstances on the other, it was also impossible to deny that those men, as a class, were already largely represented in that House. There was no pretence for saying that there was in their case any special or exclusive class interest to which they were unable to direct the attention of the House, or to challenge the opinion of the country. It was, therefore, no disparagement to them, and no denial of their desire for a vote, to say that their claims did not appear to be of so urgent a character as to render it necessary merely for their satisfaction to introduce vital changes into the Constitution. Nor had it been represented by any hon. Gentleman who had spoken that the enfranchisement of this class would add strength to Parliament, or that it would make it more truly representative of the varied opinions and interests of the country. If, in fact, it was a pressing demand, as the hon. and learned Member for Oldham (Mr. Serjeant Spinks) seemed to think, it could be met by a much more simple measure than that now proposed—namely, by an extension of the boundaries of our boroughs. But the case of the agricultural labourers rested

undoubtedly on a different footing. It was alleged that they were not represented in the House of Commons. They had, it was said, special aims and interests which they desired, but were unable to enforce. The hon. Member for Stafford (Mr. Macdonald), who spoke in that graceful attitude which all must admire, urged on behalf of the agricultural labourers that they had been called bad names and abused. Well, he should like to know who had abused them. He had heard them spoken of to-night as Pariahs and outcasts and so forth; but all those expressions proceeded from hon. Gentlemen opposite. If he (Mr. Stanhope) ventured to go into some details respecting this class, it was because during two years of his life he had had special opportunities of becoming acquainted with their condition, and also, he thought, with their interests and their objects. In passing, he might remark that they were already represented in that House. More than one hon. Member represented a rural borough containing a majority, or, at any rate, a large proportion of agricultural labourers voting under the franchise now proposed. More than one hon. Member—and they who represented the county of Lincoln had an especial claim to urge this point upon their attention—reckoned among his constituents a vast number of agricultural labourers who had obtained a right to vote by their own industry and frugality under the operation of the 40s. freehold franchise. Nobody could deny the educating effect of that franchise. Those who had attained to it were the pick of the agricultural labourers. Those who had already attained to it were proud of it, while those who had hitherto failed to obtain it were stimulated by the desire to do so to the exercise of qualities everybody must admire. Again, they were the most independent class of voters in the community. They were not afraid of telling their Representatives what they thought, and they might be pretty sure that their opinions would not be neglected. It was somewhat late in these days to hope for any large increase in that class of voters. But that evening hon. Members opposite had denounced this class of voters, if they were not resident. They had heard a good deal of faggot votes, but who first created faggot votes? Hon. Members opposite were, however, very fond of the 40s.

Mr. E. Stanhope

freeholder as long as they thought he would vote on their own side. They seemed to have forgotten the speeches of a man who would always be mentioned in that House with respect and veneration—the late Mr. Cobden—who thought he would be able to obtain the repeal of the Corn Laws by means of the 40s. freeholders. Mr. Cobden said—

“There is a large class of mechanics who save £40 or £50; they have been accustomed, perhaps, to put it in the savings bank. I will not say a word to undervalue that institution; but cottage property will pay twice as much interest as the savings bank. Then what a privilege it is for a working man to put his hands in his pockets and walk up and down opposite his own freehold and say—‘This is my own; I worked for it, and I have won it.’”

Again, Mr. Cobden said—

“When you have a son just coming of age, the best thing you can do is to give him a qualification for the county; it accustoms him to the use of property and the exercise of a vote while you are living, and can have a little judicious control over it if necessary.”

It was worthy of serious consideration how far it was desirable, by introducing this new class of voters in enormous numbers, to swamp the most independent class of voters in the country, and to destroy a special stimulus to the exercise of the most excellent qualities. The hon. Member for the Border Boroughs had asserted that the agricultural labourer was misrepresented in that House. He did not object so much to that assertion as he did to the statement made by the hon. Gentleman last year, or the year before, to the effect that county Members were afraid to express sympathy with the aims and objects of the great majority of the population resident within their constituencies. He altogether challenged that statement of the hon. Gentleman. The hon. Members who sat for counties were as pleased as anybody else could be at the improvement which had occurred in the condition of that class; and, as the hon. Gentleman opposite always handsomely acknowledged, they had set an example of self-sacrifice and liberality in endeavouring to achieve it. But the hon. Member for the Border Boroughs went further, and tried to make out a case of special grievance. He (Mr. Stanhope) admitted that if it could be shown that there were wrongs under which the agricultural labourers suffered, and for which Parliament was unable or

unwilling to provide a remedy, the case for their immediate enfranchisement was very much strengthened. But what were the facts? The hon. Member for the Border Boroughs had gone so far that evening as to bring in the Burials question, and argued that because the agricultural labourers did not possess the franchise the Dissenting Bodies were unable to make their feelings on the subject thoroughly understood in that House. But they had no special interest as a class in that subject, and it would be found, moreover, that in the quiet rural districts the burial grievance was hardly felt. Then there was a point which had not been alluded to that evening by the hon. Member for the Border Boroughs, but it was one that he was very fond of in his speeches, both in that House and out of it. Both he and also the hon. Gentleman the Member for Hackney (Mr. Fawcett) were constantly saying that we ought to give direct representation to the agricultural labourers, because in that House hon. Members were willing to pass Factory Acts for artizans, while they were unwilling to pass them for agricultural labourers. [Mr. TREVILYAN: I never said it since last year.] He was glad to hear that the hon. Member had withdrawn the statement. But why had he withdrawn it? They were all much indebted to the right hon. Gentleman opposite (Mr. W. E. Forster) for the Education Act passed in 1870: but the right hon. Gentleman would himself acknowledge that the crowning stone of the edifice, and the measure most strictly analogous to the Factory Acts, was carried by his noble Friend who sat upon these benches (Viscount Sandon), supported by hon. Members behind him, and not only not opposed, but welcomed by those very tenant-farmers who were said to be hostile to the interests of the agricultural labourers, and whose pockets were most directly affected. Then, again, the hon. Member for the Border Boroughs was very fond of referring to the character of the cottages and dwellings in the agricultural districts. There again he quite agreed with the hon. Member. He deplored as much as the hon. Member the deficiencies which existed; he welcomed the improvement which was gradually taking place; and as to legislation, if any satisfactory suggestion could be made on the subject, no one could doubt that the House would entertain it; but to talk, as some hon.

Members did, about the necessity of applying the principle of the Artizans' Dwellings Act, as it was, to rural districts, would be just as if he were to suggest the application of the Agricultural Holdings Act to Lincoln's Inn Fields. But the main reason of his referring to that subject was to point out, that although the improvement of cottages would be in their minds one of the chief objects to be desired, yet if they were to read the speeches and resolutions of the self-constituted leaders of the unions, it was not so. The very first union formed amongst agricultural labourers had expressly repudiated this being made one of their principal objects, and why? The reason was very plainly stated by Mr. Ball, one of the best known of their leaders, when he said that the improvement of cottages was not a thing to be especially looked to, because it weakened the action of the Executive at the time of a strike, and gave increased power to the employers of labour. The House ought, therefore, to make a distinction between what the agricultural labourers really thought and the views of those who professed to represent their opinions. The noble Lord the Member for the county of Carmarthen (Viscount Emlyn) had well pointed out the dangerous character of the proposals those men were venturing to urge on behalf, as they alleged, of the agricultural labourers, and had shown that they were endeavouring to make a war between classes. They were doing the greatest possible injury to the cause of the enfranchisement of these men. It was only too clear that their real object was not their social improvement, but by means of one class to attack other classes, and to introduce great changes into our political system. This must excite alarm in the minds of all reasonable and moderate men. They had heard the enfranchisement of the agricultural labourers urged on grounds of sentiment, and for other reasons; but he did not think that the proposal had that night been supported on the ground that it would be likely to improve the character or increase the usefulness of the House. It had not been represented that it was as yet ripe for consideration, and the noble Lord the Member for Calne had said that it had not assumed a practical shape. Even the hon. Member for the Border Boroughs seemed to agree in that opinion, for his Reso-

lutions were of the vaguest possible character. But to form any opinion of the effect of these changes upon Parliament, it was necessary to pay some attention also to the subject of the second Resolution—the re-distribution of seats. Apparently, the right hon. Gentleman the Member for Birmingham (Mr. Bright) did not attach very much importance to that part of the subject—others, and among them the hon. Member for Hackney, believed that they might attain to the desired object by a moderate re-arrangement of existing constituencies, and they pointed, as a proof of their assertion, to the moderate re-distribution which was involved in the settlement of 1867. No comparison could be more misleading. The wholesale enfranchisement now proposed, the trebling of county voters, the admission of upwards of 1,000,000 voters, would so entirely upset the relation between the urban and the rural constituencies that they must either give an enormously increased representation to the counties, they must re-arrange the distinction between counties and boroughs, or they would fail to obtain that symmetry and uniformity and equality of representation which it was the object of these changes to introduce into our political system. Certainly, the noble Lord the Member for Calne could not be accused of making his alterations too moderate, as he had said that he could not be satisfied with sweeping away less than 150 of the present constituencies; but he had, as it seemed, not made up his mind whether he preferred the plural vote to the representation of minorities, nor did he give the House any reason to suppose that he would carry any large proportion of the House with him in proposing any such checks at all. But if they were to try to get rid of half the anomalies mentioned in the course of the debate, he did not see how they were to avoid approximating to, if they did not actually arrive at, a re-distribution of political power on the basis of population. And in order to illustrate the change, he would venture to direct their attention to one particular district—that included in the counties of Norfolk and Suffolk—which he chose for no other reason than that if they were to allot the existing number of Representatives in proportion to the population, this district would retain nearly as many Members as at present. But

what would the change be? They had at present in that House the Members representing the agricultural interest, returned there by a body of tenant-farmers, some of whom had made the farming of the district famous throughout the world, and one of whom, sent there by his brother farmers, was an ornament to that House, and partly by a body of freeholders, the most independent class of voters in the Kingdom. Then they had Members representing the trade and commerce of the district; two, sitting for King's Lynn, who claimed to speak to some extent also for the smaller maritime interests of the country; and, lastly, the noble Lord the Member for Eye (Viscount Barrington), who was returned by a majority of agricultural labourers under this very franchise. Well, it seemed to him that the variety of interests so represented, the opportunity given for the expression of the opinions of a minority, the certainty which every resident could not but feel that he was included in the political life of his country would be very ill replaced by a scheme which would produce a dull uniformity and crush the representation of every interest but one. In such a case the power of the minority would be as insignificant as it was in any place where all but the majority were absolutely excluded from power, as small as—well, it was very hard now to find any place where the minority was entirely and continuously shut out from political and municipal life and work, but he would say—as a Conservative voter living within the borough of Birmingham. But that was not all. Some of the constituencies within the district were small ones; and though, no doubt, the subject of small constituencies had been discussed *ad nauseam*, at any rate, he might say that they had been the means of introducing to the House many men whose want of wealth, or whose health or age prevented them from seeking the suffrages of a more extended constituency. To his mind these considerations raised great and serious issues. They were asked to enter upon a re-construction of the political system of England without a very clear idea of the object to be attained, or of the amount of change that would be desirable. Even the Ballot Act was at present only an experiment. Certainly, the experience that his side of the House had had of

Mr. E. Stanhope

such changes gave him no special reason against them; but no man could tell without further experience what the ultimate effect of further changes would be upon the character and constitution of Parliament, or whether the sensitiveness of that House to the ebb and flow of public opinion out-of-doors was not already sufficient to satisfy even the most zealous advocate of representative institutions. These questions he would not now discuss. They might wait, but they must be considered some day. Were they prepared to sacrifice for their consideration the chance of useful legislation, perhaps for years to come? Were they prepared, before thoroughly realizing the effect of one change, to enter upon another and a wider one? Certainly, those of them who thought that this country—which had been well described as the model of representative institutions and the cradle of constitutional government—should hesitate long before it entered upon a renewed struggle between classes for political power, or abandon for an uncertain good the results of past experience, would give their votes against these vague and ill-timed Resolutions.

Mr. GOSCHEN said, that he had not troubled the House on the subject of Parliamentary Reform since the last Reform Bill; and while the proposal under consideration was at such a point that it did not command the unanimous assent of the Liberal Party, he had not thought it was necessary for him to express his views upon it. But it was no secret that that assent was now almost unanimous, and that the question had consequently passed into a different stage—one at which those who felt their responsibility were not entitled to shirk the expression of their opinions. When, therefore, he, in common with other hon. Members, was asked whether he thought it desirable to assimilate the county and the borough franchises, he was unable to support that proposition. He did not think that it was desirable now, as a political question, to advocate a uniform Parliamentary franchise for county and borough constituencies, nor was he prepared to admit that the time had arrived when it would be wise to re-distribute political power. He was told that the change was inevitable, and that, therefore, he ought not to hesitate to vote for it. He believed that there were many hon. Members opposite who thought, and

who showed by their conduct that they believed that the assimilation of the county and the borough franchise was inevitable; and there were few of those connected with the great landed interests who had spoken against the Motion. He admitted that the change was inevitable, and that it would come soon—and in its widest form and with its greatest and largest effects—if both Parties in the House confined themselves to watching each other, in order to see that one might not steal a march on the other in winning the affections of the class to be enfranchised. ["Hear, hear!"]. If hon Members opposite held that opinion—as by their cheers they seemed to do—he was surprised that no man of position and influence on the other side, who commanded the respect and influence of the territorial classes had risen to say what they thought upon the proposal of his hon. Friend. There had been reticence on the other side of the House. What did that reticence mean? He left the House and the public who had read previous debates to judge; but he would say that the opinion was abroad in the country, and was rife in this House, that the Conservative Party would not speak out on this question, because they believed in their hearts that before long it would be undertaken by their Leaders. ["No, no!"] Well, there would be an opportunity of denying that assertion, if it could be denied. It had been the course of opinion in that House that that was the view of the Conservative Party; and so they were told that it was inevitable. He repeated that it was inevitable, and inevitable in its widest form and in its most serious consequences, unless men who had been silent on this subject hitherto were prepared to speak out and place before the House and the country the views which they entertained. What was the position of the House in regard to this matter? It seemed to him that it was not so very long ago since they passed the last Reform Bill. The debates of that time were still fresh in the memory of many of them; but it would seem when we heard this recital of the injustice, the anomalies, the grievances which flowed from the exclusion of the householder in the counties from the franchise, as if those debates belonged to the remote history, and that the course followed on that occasion was already forgotten. The second Parliament had not expired since we made

that great constitutional experiment. What was that experiment? We not only introduced household suffrage at that time, but we reduced the county franchise from £50 to £12. It had been stated that evening that as we then gave household suffrage to the towns, the time was surely come when we must give it to the counties. But that same question was before us at the time the debates were conducted with regard to the reduction of the county franchise. He himself was a Member of a Government that proposed only 10 years ago that the county franchise should be a £14 rental, and he trusted that no hon. Friends of his would consider him an apostate Liberal if, after 10 years, he was unable to change his views and say that household suffrage was already necessary. In 1867 this question was debated, and owing to pressure from hon. Members on that (the Opposition) side, who, at the time, were in a majority, the county franchise was reduced from £50 to £15, and then from £15 to £12. It was proposed to reduce it to £10; but there was no proposal at the time that household suffrage should be given to the counties. But what was one of the arguments in favour of a £10 or £12 line? It was that if it were not adopted, there would be continued agitation, and that further agitation for household suffrage was not desirable. When the compromise was made, those arguments were urged, those grievances, which he admitted in the abstract as much as anyone, were brought forward; it was said that there would be men on both sides of the line, and on both sides of the street, the one enfranchised and the other not, that some men would have 300 times as much electoral power as others, and so on; but in the Bill which we accepted then, these anomalies were perpetuated, those grievances were considered and accepted, and a franchise was adopted which ought to be considered a settlement of the subject, at least for a time. Let us, then, look at the question of time, let us look at the experience we had gained and see whether we were safe in going forward, and whether having 10 years ago called 1,000,000 new electors within the pale of the Constitution, we should now do well to call in 1,000,000 more. He would, with the permission of the House, examine very briefly the experience of the last 10 years

and make a survey, as it were, of the political situation. He did not wish to argue this matter controversially or dogmatically—he felt so much the force of many of the arguments used on that side of the House that he should be very averse from doing so; but as no other speaker had done so, he wished to ask the House to concentrate its attention, not so much upon the claims for admission, as upon the result of that admission upon the efficiency of Parliament and the future administration of the country. The proposal of his hon. Friend the Member for the Border Boroughs (Mr. Trevelyan) comprised two classes; a class of 500,000, who were almost precisely similar to those already enfranchised—namely, the urban voters; and a class of 500,000 of rural voters, with regard to whom there was no analogous class at present within the Constitution. Now, he wished to call attention to the case of the rural voters. The hon. Gentleman who had last addressed the House (Mr. Stanhope) had said that they had been called “Pariahs” on that (the Opposition) side. His right hon. Friend (Mr. Stansfeld) had no doubt said that they were “political Pariahs,” not intending, however, to depreciate the rural voters, as the hon. Gentleman opposite seemed to imply. He was sure no one in the House had such a desire. Now, he wished to call attention to two important distinctions between the rural and the urban voters. The first was, that the urban voters, even of the poorest class, had been for a long course of years familiarized to public duties by their local and municipal franchises. They had had a long course of semi-political education; and it was the glory and boast of the English Parliament that it possessed so much aptitude for representative government, because municipal institutions had qualified the people for so many years to take their part in the higher functions of government. But most unfortunately the rural voters had had no such privileges. They had not had that local life which would have qualified them for public duties; and it had been the earnest endeavour of many hon. Members on that side of the House to create that local life in the county parishes which would have qualified the rural voters for political duties, and he trusted he might be permitted to recall the fact that eight years ago he himself introduced a measure which would have con-

ferred a suffrage for all local purposes on every householder in the Kingdom. But there was another difference between the urban and the rural voters. He was speaking of that plague spot upon our laws and our society—the Poor Laws. He could not exclude from his mind that the rural voters stood in a different position from the urban voters with respect to the Poor Law. The ordinary future of the agricultural labourer was, if he lived to a good old age, to end his days on the list of paupers, and there was scarcely a rural parish in which you would not see scores of old men who had been in respectable positions, but who were now either in the workhouses, or receiving out-door relief. Pauperism had eaten most seriously into our rural system, and into the whole organization of life in the country. It was under these circumstances that the House was asked to admit the rural voters, and to give them power to assist in the re-organization of the Poor Laws, which had for them, unfortunately, so deep an interest. And it was to be borne in mind when the House was asked to compare the position of the English peasant without a vote, with the position of the peasant in other countries with a vote, that the foreign peasant, as a rule, possessed property, and was attached to the soil, and that he did not depend, as unfortunately the English agricultural labourer so much depended, upon weekly wages first, and the organization of the Poor Law afterwards. He said, therefore, that he could not exclude from his mind the absence of previous training, and the great dependence on the Poor Laws of the class proposed to be enfranchised. He would pass from that subject, and he would admit with his hon. Friend that, speaking broadly, the 1,000,000 voters who were to be admitted to the Constitution would resemble those who had been admitted, and he would ask—what was the experience which they had already had of the newly-enfranchised classes, and the tendency of legislation since they had been admitted? In the debates in 1866, it was constantly asserted on the other side, that if they admitted those large numbers to the Constitution, they were incurring a grave political danger, and that our great institutions would probably be subverted. That was denied by the Liberal Party. That proposal at that time before the House was a modest one for admitting

about 330,000 poor voters. But the numbers admitted in 1867 amounted to about 1,000,000. The experience which they had of the newly-enfranchised classes fully justified them, that in so admitting them they had not endangered the institutions of the country; and he believed that if they were to admit the whole of the numbers suggested by the Resolution proposed by this measure to-morrow, that those institutions would not be endangered. Those classes would be loyal to the country. He thought it was the hon. Member for North Warwickshire (Mr. Newdegate) who urged that the admission of such large numbers to the franchise would probably lead to Republicanism. But Republicanism was dead in this country. They might remember with great pleasure the interest with which the country watched the discussions on the Royal Titles Bill—and none watched them more closely than those classes which were newly enfranchised—and the desire that was expressed for the retention of the old name of the Queen. With this instance before him, he disclaimed the idea of there being any danger to the Sovereign, or to the institutions in the admission of any number, however great, within the electoral pale. Again, he thought that at this moment the position of the House of Lords was as strong as it had ever been; and if hon. Members opposite chose to contend that the admission of the last electors had added to the Conservative strength in that House, he did not care to dispute it. He believed that now all classes of the community were as loyally disposed to the Crown and to the institutions of the country as ever they had been. But, having admitted all this, when they were required to make so great a change in the Constitution, he still asked himself what our past experience of the last 10 years showed us of the temper of the newly-enfranchised class? Could we form any accurate idea of how they would be likely to bear the imposition of new taxation, or the denial of any of their favourite demands? Had we had any opportunity of testing those political virtues, the existence of which he did not deny, but of the presence of which he had no proof? What had been our experience of the conduct of the new constituencies in respect to finance? During the last 10 years the

country had been so prosperous that neither Party had had to appeal to the self-sacrifice of any class of the community. Twice it had been necessary to find money, and on both occasions money was raised by the income tax, to which the newly-enfranchised class did not contribute. But—and this was a most serious consideration, to which he begged the attention of the House—on the second occasion it was thought necessary to popularize the re-imposition of an additional penny on the income tax by a system of exemptions which lightened the burden at the bottom, while it increased it at the top. He was not there to criticise either the mode of imposing the tax, or the tax itself; but he wished the House to take note that they had not yet before them any proofs that even the Conservative Government, with a large majority behind them, could pass any other than a Democratic Budget. They might be able to do so, the question had not yet arisen; but, if he might use the expression, our new levies had not yet been under fire. In the matter of legislation, again, had we seen any of their demands refused? During the past 10 years two Parliaments had existed, and two Governments had been in power. During the whole of the first five years public attention was absorbed by certain political questions; but, notwithstanding, two measures interesting the newly-enfranchised class passed. They gave them the Ballot, and also a comprehensive system of popular education. Then came the present Parliament, which, more than the other, had been deeply interested in social legislation, and had performed great services in that respect. The first measure proposed by the present Government, with the support of both sides of the House, was the Master and Servant Act, and a question much affecting the newly-enfranchised classes was satisfactorily settled. A number of other social questions were dealt with. The hon. Member for Sheffield (Mr. Mundella) had a Bill for shortening the hours of labour. The Government took it from his hands, and carried it, very much to the satisfaction of the newly-enfranchised classes. The hon. Member for Hastings (Sir Ughtred Kay-Shuttleworth) had an Artizans' Dwellings Bill in his hands; the Government took it from him; and again, a measure affecting the newly-enfranchised classes was carried. His hon. Friend the Member for

Mr. Goschen

Reading (Mr. Shaw Lefevre) had a Bill in regard to Commons in which popular constituencies felt a great interest; and the Government took it also into their hands, although they infused into it a certain Conservative spirit, making that permissive which otherwise would have been compulsory. Thus, in all these cases it would be admitted that, as financially the newly-enfranchised classes had been spared, so legislatively they had been gratified. He trusted he was not offending against the feelings of the House in recalling these matters. The moral he wished to draw in putting them forward was to show that the House had been so far consulting the wishes of the newly-enfranchised classes, and so far their admission to the Constitution had been a benefit. But the House had not had the opportunity of seeing how the case would be if matters had gone otherwise; and if there had been a demand made which the House could not conscientiously so readily concede. The hon. Member for the Border Boroughs had spoken of the Birmingham Sewage Bill. He admitted it was a gross case, and he could not conceive how the House of Commons had acted as it did on that occasion. But it only showed how anxiously the present House of Commons had been looking to the constituencies when the hon. Member could find no stronger case than that to prove that their demands had been resisted. Now, he did not say that the House ought to have resisted on any of those occasions, but he had no proof yet, and the House had no proof yet, that it would be able to resist, and that it was not already under the strong influence of numbers—of those numbers which the hon. Member for the Border Boroughs now proposed to double by his measures. He had spoken of finance and of legislation; let him approach a still more delicate question. He wished to know whether, in other respects besides actual legislation and finance, they saw any change in public opinion or in the opinion of that House—whether there were any marked signs that they were looking at matters from a different point of view from what they did 10 years ago. In his opinion there was a change. It appeared to him—though it might be an unpopular thing to say—that political economy had been dethroned in that House, and that philanthropy had been allowed to take its place. Political

economy was the bugbear of the working classes, and philanthropy, he was sorry to say, was their idol. He wished to argue that matter in a serious way, and to state nothing that would grate on the susceptibilities of his Friends on his side; but he said with a deep conviction—and he could not retract the words—that political economy had no attractions for the working classes, either in this country, or out of it. They pointed to their Colonies, they pointed to France, and other Continental countries to show that Englishmen should have the same rights as the people there possessed. Of course, that meant universal, or manhood suffrage; and many of the arguments which had been used that night—for instance, the argument of justice, the argument of right, the argument of fitness—were all applicable to manhood suffrage. But he was not concerned with that. He wished to point out that in all Legislative Assemblies where numbers, and numbers alone, had been allowed to prevail, the doctrines of political economy had never been able to take root, but had, in many cases, been discarded and treated with contempt. Would they, he asked, have many more debates in that House in which political economy would be regarded? It was out of favour with many sections in that House. The Prime Minister denounced political economy in his famous speech at Glasgow, and said that his followers should no longer “gnaw the dry bones of political economy.” That, however, appeared to himself to have been a diet on which this country had thriven and prospered. But it was not merely on the Treasury Benches that political economy had been derided and denounced. There were many strong Liberals who believed that the doctrines of political economy meant the suppression of many efforts which ought to be encouraged, and that it was against the interests of the working classes. There was a marked difference between the modern Radical and the old Radical on that point. Modern Radicals were more in favour of that constructive legislation which was now so much engaging attention in this country. They were in favour of the view that Government should lay its hand upon every trade and remedy its abuses—adjusting the relations between capital and labour, and that Parliament should do what the old school of political economists and Radicals thought

that men should do for themselves. It was the teaching of history that the reign of numbers endangered not the Throne, not the Constitution, not property—those were all bugbears—but political economy and the teaching which made Englishmen self-reliant. The old Radicals had been described as “the laggard disciples of an exploded school;” and he traced the attacks and the disregard to which political economy more and more subjected, in part to the new influences brought to bear upon the minds of Members of that House. He was, therefore, not ashamed once more to take up the cudgels on behalf of political economy, and he did not shrink from expressing his belief that those great doctrines of political economy which had contributed to the prosperity of the country and which had taught Englishmen to be self-reliant would be in serious peril if we surrendered to the idea that numbers, however respectable, however well-disposed, however loyal, were to decide on the legislation of that House. He believed that there was danger of the principles of political economy being more and more disregarded. They were more and more disregarded in that House. Under these circumstances, seeing that both as regarded finance, and as regarded legislation in general, and as regarded the attitude with which questions were reviewed in that House, they had so little experience of the results of the last Reform Act, and looking to the nature of that experience, limited as it was, he asked himself was it right to obey the summons of his hon. Friend the Member for the Border Boroughs? He regretted that he could not go with him. He admitted that the men proposed to be enfranchised were like the men who had already been taken in; but it was partly on that very account that he hesitated, because the last admitted represented numbers. It was not that he was afraid as to their fitness, afraid of them as individual voters; but before he went further he wanted to know what safeguards there would be that the class proposed to be enfranchised would not vote in such numbers as would overwhelm the expression of opinion of the other classes. He again asked that his views might not be misinterpreted, and might not be pushed beyond the point to which he wished to press them. He had considered most anxiously for weeks past, as a personal matter, whether he should

speak on this occasion; and holding his convictions strongly and sincerely, he thought if they were well founded on facts, as he believed them to be, he should not be entitled to withhold them, or to suppress them, and not state them in the face of the House. He was sure every hon. Member of the House would admit that it was a painful task to him that, surrounded as he was by hon. Gentlemen for whom he had the deepest regard, he should have to express his dissent, and to mar by one jarring voice, even if it were one so feeble as his own, the expression of opinion of his Party. But the strength of his convictions appeared to him to throw a responsibility upon him which he was bound to discharge, and others had shown him the example of courage. There were hon. Members in that House who sat for counties whose constituents would not be too well satisfied with the vote which they should give to-night, but they thought it was their duty to support this measure, and they would do so at the peril of their seats. They had hon. Members representing small boroughs supporting the Resolutions for an extension of the franchise and for a re-distribution of seats. They would imperil their boroughs and their seats; but they held it was their duty to vote for this measure. They had the courage of their opinions. Well, he wished to show the same courage as they. He did not wish to skulk as a non-combatant in the rear of the battle, to remain uncommitted, ready to take advantage of any turn of events. It appeared to him that the question had reached a phase when reticence was unpatriotic. Constitutional prudence ought not to be allowed to go by default, and it would go by default, if hon. Members would not speak out. He therefore called on hon. Members in the conflicts which would ensue on this great question—whatever course those conflicts would take—whether of pressure from this side, or of resistance from that—to speak out manfully and bravely, and to put their opinions fully and fairly before the public. He trusted that no fear of the newly-enfranchised classes, that no reluctance to utter unpopular things, that no weak acquiescence in a supposed necessity would deter them from calling public attention and public vigilance to the great issues involved, or would induce them to withhold the frank expres-

sion of their views. It was with great regret, but without any misgiving as to his duty, that he should record his vote against the Resolution.

MR. O'DONNELL said, that he ventured to take part in the discussion at that advanced hour, because he felt that Irish interests were too much concerned in the progress of the liberties of England for him to remain silent. He was very much astonished at the tone which the discussion had assumed on the Government side of the House; but he was still more surprised by what had fallen from the right hon. Gentleman the Member for the City of London (Mr. Goschen). That right hon. Gentleman had made the confession, that if the agricultural labourer had been trained to exercise the franchise by local suffrage, by local power within the rural districts, that then, indeed, he might now support his admission to a larger sphere of it. The right hon. Gentleman had mentioned a Bill which had been introduced, which would have had the effect of training the agricultural labourer to deal with the larger question now proposed. He would ask the right hon. Gentleman whether that was not a distinct case of putting the cart before the horse? Was it likely that the great Party sitting on the other side of the House, which cherished so dearly their power in the rural districts, would be willing to train the agricultural labourers to the exercise of the franchise, and to commence their work by the reform of the rural squirearchy. He was satisfied with the premisses which appeared to be universally granted, which led to the conclusion that the agricultural labourers deserved the franchise, that they desired it, and that they ought to get it. The bugbear of finality had been raised. Although it might not be desirable to carry it into effect at the present moment, every right-minded man should look forward, as he did, with pleasure to the time when the whole country would be so advanced and educated that manhood suffrage could be granted without danger. He confessed that, as an advanced Liberal, he was not sorry at the great amount of opposition which was being offered by the Conservative Party to the enfranchisement of the agricultural labourer. A million votes were well worth straining after. He could not say what they might become, if the franchise

Mr. Goschen

was granted to them at once; but of this he was convinced, that every year of opposition to the just demands of the agricultural labourers was a year productive of wide conversions to advanced Liberalism of a class which might not come in to-day, or to-morrow, or for five years, but which must come in as thorough Liberals, thanks to the Conservatives and timid Liberals.

MR. MUNDELLA said, he had only been induced to rise at that late hour of the night by the speech of the right hon. Gentleman the Member for the City of London; but the right hon. Gentleman had shown such thorough distrust of the working classes, that as one of the Representatives of the largest body of the newly-created voters, his constituency, including 30,000 working-men electors in a total of 40,000, he felt bound to make some answer to the charge the right hon. Gentleman had brought against them. It had been said that the rural population had not had the political training of the urban voters. But six-tenths of the men proposed to be enfranchised were urban voters.

MR. GOSCHEN said, he had made the distinction; his remarks about the absence of political training had been solely directed to that portion who were rural voters.

MR. MUNDELLA said, that the new voters, according to the right hon. Gentleman, had never been called upon to bear their share of taxation. How had the income tax been popularized for the working classes? Who had been called on in the City of London to bear a share of the cost of education, and who had imposed upon themselves 4d. or 5d. in the pound, against the selfish appeals of that great City? Hon. Gentlemen opposite (Members for counties) opposed the expenditure asked for libraries. He should like to hear a definition of the working classes. When a man rose from the ranks, from the pay of daily labour, and by his working became possessed of a little shop, or a costermonger's barrow, or anything that raised him from the necessity of earning his bread daily by the sweat of his brow, they claimed him as a member of the middle classes. If he raised himself still higher, and became a landholder, a mineowner, or a Member of that House he became a member of the upper ten thousand. How many hon. Members opposite could trace their money back for two generations?

How many of them were self-made men? He had heard one say that he began his career at the bottom of a coal mine, and it was honourable to him thus to have succeeded. What about the degradation, and that process of precipitation which was constantly going on? All the cream that came to the surface was claimed as belonging to their class. Was it exclusively the working classes who were now disfranchised? He held in his hand a letter from the Rev. Edward Stevens, giving an account of the town of Loughborough, the polling town for the division of the county represented by the noble Lord the Postmaster General (Lord John Manners). The town had 13,000 inhabitants, of whom only 554 were county electors. The school board consisted of seven members, four of whom were non-voters. There were 16 clergymen in the town, 12 of whom had no votes. Of the schoolmasters, including the master of the Grammar School, there were 12, not one of whom had a vote. Besides, the town was one of more than average intelligence, and he asked were these the class of persons whom the right hon. Gentleman dreaded so much? In the last Parliament, when he introduced a very mild labour Bill, he was opposed by the noble Lord the Member for North Nottinghamshire (Viscount Galway), and he should now give the story of one of the largest towns in that county which he had received in a letter from one of the most intelligent working men he had ever met. The town had a population of 10,000. There were seven members of the school board, of whom only one, who happened to be the vicar, had a vote. Of all the ministers of religion—15 in number—only one had a vote. The man who gave him this information was secretary of the Board of Arbitration which had existed for 19 years; he was an honour to the working classes, and would do honour to that House, yet he had not a vote. The town of Rotherham—a corporate borough—had 6,616 houses, and a population of 31,500, yet only 1,000 of these householders had a vote. According to the letter he had received these non-voters included not only working men, but clerks, shop assistants, managers, sub-managers, members of the school board, elementary teachers, and even some members of the corporation. They had great experience in local government, and were

perfectly capable of exercising the suffrage which the right hon. Gentleman would deny them. Another argument in favour of the proposal was the changes of area that were going on. The House had heard a great deal of the boundaries of Nottingham and Derby during the present Session. The area of Nottingham had been increased six-fold during the Session, and while one-sixth enjoyed household suffrage, five-sixths were outside the borough, where the county suffrage deprived great numbers of their votes. The House had added very largely to the boundaries of Derby; but it had not given the franchise to those who were now included. With regard to the rural population, he only wished the right hon. Gentleman and hon. Gentlemen opposite, who talked of their want of political education, had been present at the recent meetings at Exeter Hall and had seen for themselves what they were like. He wished the right hon. Gentleman was better acquainted with the industrial and rural districts of the country. He (Mr. Goschen) had been a Liberal and the Liberal Party had been proud of him, but he had advanced to a point where he had ceased to be a Liberal. This was a question which it was impossible to stop. If they dammed it up, the stream would burst and carry off their barriers with it. If they refused this equality between town and county, and would not admit the principle that the householder, the head of the family, was the person who should have the right to elect those who made the laws and imposed the taxes, then he said there was something more in store for them. They would have a demand for household suffrage, and they would have to yield it. He had no hesitation in saying that when that demand came he should not be the one to draw back from it. If it came in his time, it would be the fault of hon. and right hon. Gentlemen who had not had the courage to draw the line where it could now be drawn with perfect safety and satisfaction to the whole community.

THE CHANCELLOR OF THE EXCHEQUER said, that the right hon. Gentleman the Member for the City of London (Mr. Goschen), in the course of his courageous and remarkable speech, made some observations which he (the Chancellor of the Exchequer) thought implied a desire to elicit from Her Ma-

esty's Government some more definite expression of opinion on the Resolutions than he had been able to collect up to that time. The Government had no difficulty in expressing an opinion on the Resolution before the House, and if they had taken no large share in the debate, it had not been from reluctance or hesitation as to the language they should use, or as to the course they should pursue. The question was not new in the present Parliament; it had been brought forward by the hon. Member for the Border Boroughs (Mr. Trevelyan) twice or thrice, and on each occasion the Government had expressed their views, which they saw no occasion to change. His hon. Friend the Secretary to the Board of Trade (Mr. Stanhope) had already, with the ability and eloquence which distinguished him, expressed on behalf of the Government their view of the question, and had indicated the course they would take, which there could be no doubt was to oppose the Resolutions. They did not regret that there had been an opportunity for the discussion of the Resolutions, the real importance of which was that it afforded hon. Members who took a keen interest in Parliamentary representation an opportunity of stating what their views were and to what they were tending, because such propositions as were put forward in the Resolutions might bear a wholly different signification according to the principle on which they were put forward and advocated. If extension of the franchise and re-distribution were pressed in order to gain some point of practical convenience, or to improve the composition of the House, the question might be discussed with reference to the time, the opportunity, and the particular character of the change desired; but if the claim to the franchise was made on the ground of abstract right; if the demand was put forward that every man presumably fit to exercise the franchise should be admitted to share it, they found themselves placed in an altogether different position; and it was important that hon. Members should speak out and express their minds on the questions at issue. They had had the advantage of hearing the argument on the principle of abstract right. The demand for it had been broadly and openly stated by several advocates of the Resolutions—by the Mover, the Seconder, and the hon. Member for Sheffield (Mr. Mundella),

Mr. Mundella

and boldly and unhesitatingly by the right hon. Member for Sandwich (Mr. Knatchbull-Hugessen), who declared his belief in the abstract right of the citizens of this country to claim the franchise and his readiness to admit in principle the doctrine of manhood suffrage. In this way something was gained by discussion. In former years there had been some doubt as to what was really aimed at; now they were beginning to see what it was the advocates of the measure were aiming at; and he agreed with the right hon. Member for the City of London (Mr. Goschen) that it was their duty to speak out boldly, frankly, and unmistakeably, and to say that they were unable to accept, and, on the contrary, they distinctly repudiated the inevitable result of the doctrine put forward by the advocates of the Resolutions; they believed it to be a doctrine which could not be entertained in consistency either with what they believed to be the principles of the Constitution of this country, or the true interests of the country. They could not admit that every citizen presumably had the right to such an arrangement of our electoral system as should give him a vote, regardless of any of the consequences of the arrangement which must be necessary in order to effect it. They could not admit that those who did not possess the franchise were thereby slighted or were on that account subjected to any slur or stigma. It was an incident in the Constitution of the country which might or might not be unsatisfactory; it might or might not be desirable at some time to make changes in the distribution of electoral power which would admit those who were at present excluded; but he wholly denied that at present they had any natural right, or that a wrong was done them, if for the sake of maintaining a good, convenient, and proper electoral system they were excluded from the franchise. That was a point on which it was desirable that hon. Members should be clear, because they must fairly face the question and must not satisfy themselves with saying—"We do not admit the general principle of manhood suffrage, or universal suffrage; but we think those persons on whose behalf this particular claim is put forward have as good a right to the franchise as others who reside in towns, and that what has been given to the

latter may very well also be given to the former." But those who spoke in that way must recollect that they could not stop at that point. His right hon. Friend the Member for Sandwich found himself obliged to qualify his demand for the absolute right to manhood or universal suffrage by certain limitations. But why those limitations? What purpose were they to serve? The man who did not occupy a house of his own had the same rights as a citizen, he presumed, as the man who did. There were many men who by their education, by the services which they had rendered to the State in their walks in life, by their character, and other considerations, had a good and natural right to have their interests represented, and to be themselves represented in that House, although they did not happen to be the owners of the houses in which they resided. But his right hon. Friend was of opinion that some limitation should be put upon that right for the sake of public convenience. But that was also a reason why, in order that inconvenient results might not be produced in the composition of that House, it had been found necessary to limit in certain cases the rights of those to whom at present the franchise was not extended. Then came the question with respect to the re-distribution of seats. There, again, it became necessary to consider whether the question should be dealt with as one of principle, or as a matter of convenience. The question had undoubtedly been brought forward by his hon. Friend the Member for the Border Boroughs, not as forming in his mind the first point to which attention should be directed; but because when he asked for the extension of the suffrage, he was met by the observation that it was necessary to have a re-distribution of seats, and he was challenged to say whether he was prepared for such a re-distribution. He did not inform the House that he had raised the question for any other purpose but to meet that difficulty. His Secunder, the hon. Baronet the Member for Chelsea (Sir Charles Dilke), however, put the matter in a different way, because he had told the House, in point of fact, that a man should not only have the franchise, but an equal and proportionate right to share a Member with anybody else. The hon. Baronet had pointed to the anomaly that Members represent-

ing smaller constituencies and a minority of the electors, might nevertheless swell the majority in the House, and carry a question in opposition to the wishes of the electors. That, the hon. Baronet contended, was unjust, and in that way, of course, at once urged the House to the formation of equal electoral districts; and not only of equal electoral districts, created now or next year, once for all, but of a system of a periodical character, as population shifted and increased in one direction or another. Indeed, the hon. Baronet's argument would go further, because, as he (the Chancellor of the Exchequer) understood it, it might be illustrated in rather a ludicrous way, being really equivalent to what he remembered was suggested many years ago, that a Member should not only give a vote in that House, but that he should deposit on one or two scales weights proportionate to the number of his constituency, and that according as the scales went down on one side or the other, the electors should be held to be represented, the weight put in being counted in the votes of the House. The argument of the hon. Baronet hardly fell short of that suggestion; and if the House of Commons were to go on that line of argument, it would come before long to the conclusion that hon. Members sent to it to represent a numerical body of their constituents must also act as delegates; because if every man had a right to an adequate part of a Member to represent him, he might fairly say he was also entitled to claim that that Member should, on every question which came before him, vote as he required, and thus we should be brought to a state entirely destructive of the free, ancient, and honourable character of the British House of Commons. He was not, he might add, prepared to go the extreme length of some, who looked upon the object of our electoral system as being simply that of producing the best possible machinery for legislation. It was desirable that they should try not only to get the best possible machine for making laws, but also to have a broad and fair representation of the general views of the constituencies. A more excellent Assembly resting on too narrow a basis might not be so desirable as a less excellent Assembly resting on a broader basis. That, he thought, must be admitted. On the other side of the

argument, however, he thought that hon. Gentlemen who desired to broaden the basis were bound to admit that it ought not to be so broadened as really to diminish the usefulness of that branch of the Legislature as a legislative machine; and he thought that the arguments which had been put forward with such eloquence and force and truth by the right hon. Member for the City of London, as to the uncertainty which must still be felt with regard to the exact effect of all that had recently been done in the way of an alteration in our representation, and with regard to the necessity of allowing some time to elapse before changing what had not yet been fairly put to the test—namely, the actual bearings of our electoral system, were arguments which ought to command the respectful consideration of the House. They did not attempt to put the matter upon what was called the "finality" footing. It was impossible to say that as the population altered, as well as increased, and as the circumstances of the country changed, it might not, from time to time, be necessary to make some alterations in the distribution of political power and in the incidence of their electoral system. Some towns would decay, others would spring up in their places. It was but right that the smaller should give place to the larger, and that, from time to time, changes of that sort should arise. But he maintained confidently that that was an operation which ought not to be rashly, or frequently undertaken. It ought not to be undertaken in a hasty, or ill-considered, or in any other than the most careful manner. There was a great Reform Bill passed in 1832, and another great Reform Bill was passed 35 years afterwards. It was not reasonable that within 10 years of that last change we should be again thinking of change. No, the time had not yet come—it was not even close at hand—for making any further alterations. That time ought not to be anticipated, when it would be possible without inconvenience to the business and Constitution of the country to re-consider these matters which had formerly been considered at an interval of more than a generation. What he would urge was, that they should lay aside for the present those attempts to pass abstract Resolutions, which could not be followed by anything in the nature of immediate

legislative action. This was not the time—and he thought that hon. Members who supported the Resolutions must feel in their hearts that it was not the time—for undertaking a great constitutional change. Many of them remembered the incidents of the last great constitutional change. They remembered the controversies to which it gave rise, the feelings which it excited, and the interruption which it caused to many measures of importance. It was, therefore, undesirable to be re-opening and renewing these questions at the present time; and if it was undesirable to be re-opening and renewing them, surely it was undesirable to be passing abstract Resolutions which they did not see their way to carry into effect. That was not a small matter, but one which cut very deep. Whenever it might be raised in a practical form it would open up enormous issues. They had been told, for example, that they would have probably to deal with no fewer than 150 seats. Well, he would ask, were hon. Members prepared—did they think it desirable in the interests of the nation—on the strength of a plea, which he thought a dangerous plea, and one of a wholly unsubstantial character, to plunge the country into a controversy which would necessarily be of the nature of an agitation, and which would arouse a great deal of feeling which it was desirable not to arouse—and for what? For a change which would lead them no one could tell where. They would, in making it, be embarking on a great and dangerous ocean, without a pilot, and without a course marked out for them to sail by. In these circumstances he felt, and Her Majesty's Government felt, that they had no alternative but to resist the Motion of the hon. Member for the Border Boroughs.

THE MARQUESS OF HARTINGTON said, he felt he had but little right to ask the indulgence of the House, even for a short time, in addressing it on this subject. It was a question on which he had not, up to the present time, given a vote; and as he might, therefore, be presumed to have been in some doubt and hesitation with regard to it, it was hardly for him to seek to influence the votes of hon. Members on the present occasion. He wished, however, with the indulgence of the House, to say a few words as to the reasons why he now

intended to support the Motion of his hon. Friend the Member for the Border Boroughs (Mr. Trevelyan). When he last addressed the House upon the question a few years ago, he said that in his view there were a few questions upon which they should abstain from giving an opinion, but circumstances justified the course which he then took. The question he had now to consider was whether this was one of those questions, and whether the circumstances in which the Resolution was brought forward were of such an exceptional nature as to justify him in continuing in the course which during the last three or four Sessions he had pursued. The extension of the franchise was by almost universal consent a question of time, and time only. It must by universal consent be considered, and they had heard nothing from the Treasury Bench which weakened that opinion. The change advocated by his hon. Friend would, sooner or later, be made, and the question really before them was, when that change ought to be made, and whether it ought to be accompanied by a more or less considerable re-distribution of political power. When the subject was brought before the House in the early Sessions of the present Parliament, he would acknowledge he was of opinion that the time chosen for discussing it was not an extremely favourable one. A period of very considerable legislative activity had followed the Reform Act of 1867, and the country afterwards showed in an unmistakeable manner that it desired an interval, at all events, of repose; and the result was a Government pledged to "silence and consideration." But circumstances were now, to a certain extent, altered. The present Parliament, although it might have a period to run, was approaching its dissolution, having passed its meridian, and the time was consequently not far distant when the constituencies and the country would have an opportunity of saying whether there should be another epoch of repose, or whether the Government must give consideration to that and other questions, and whether the question should be faced with earnestness or not. Under such circumstances, he could not think that it was right not to state his opinion on the subject. On the contrary, it was not the duty of anyone who

aspired, however imperfectly, to guide the counsels of any of the great Parties in that House to abstain from giving an opinion upon the present question. Whether the claim now put forward on behalf of the county householders was well-founded or not, the county householders and the country ought to know what was the attitude of each of the great Parties in the House in relation to it. They had a right to know whether the House was prepared to take it up and push it forward by every constitutional and legitimate means, or whether it was, though not to be absolutely refused, yet to be delayed, and to be taken up when difficulties and doubts arose, and when there might be political dangers, or when political advantages might be expected from the granting of the demands made. If the county householders had a right to ask the question, what answer was to be given to them? A statement of the question seemed to him almost to convey the inevitable answer—they had large classes excluded from political power. It was admitted by all, even by his right hon. Friend the Member for the City of London (Mr. Goschen), with a trifling exception, as a fact that political power was possessed by classes in the same position as those who were excluded, but who were no fitter to exercise it. It would not be denied that those classes also had interests of their own; though not in opposition to, yet not identical with, those of the enfranchised classes—interests which were as worthy of being considered as those of the represented and enfranchised classes, and it was not alleged that there would be any political danger in granting to those new classes the franchise. With the exception of his right hon. Friend, no speaker who had opposed the Motion had argued that there was any social or other danger involved in the proposition. He had heard with great admiration, but at the same time with great regret, the speech which his right hon. Friend had delivered. Still, he thought a more courageous speech had seldom been delivered in that House. Instances had not been rare of politicians who had made promises and supported principles when in Opposition which they had shrunk from giving practical effect to when they came into power; but he believed the instances were rare in which any

man, ambitious, as his right hon. Friend naturally was, of serving his Party and the State, had voluntarily incurred a considerable amount of unpopularity with those among whom he sat by refusing to espouse a cause that was almost universally taken up by his Party. Much, however, as he admired the courage with which his right hon. Friend had expressed his opinions to-night, he doubted whether the fears, the doubts, and the hesitations which his right hon. Friend had expressed rested upon any solid foundation. Still more did he doubt whether, if the dangers his right hon. Friend spoke of were real which they might have to confront, or that they were to be apprehended from the classes whom it was proposed to enfranchise. His right hon. Friend was doubtful about the finance of the newly-enfranchised classes; but he would ask him whether the finance of the newly-enfranchised classes was the only finance in the history of the country that had been found to be unsound, and whether newly-enfranchised classes were the only ones who had adapted their financial policy to the interests of those with whom they were connected? His right hon. Friend also doubted the political economy of newly-enfranchised electors. It was true the late constituencies did, after a long struggle, so far yield to the principles of political economy as to remove the Corn Laws and other protective duties, but he doubted very much whether the pressure of necessity and of famine itself had not more to do with the removal of those protective restrictions than any adherence to the sound principles of political economy. His right hon. Friend viewed with some alarm and distrust the philanthropic and Socialist tendencies of the newly-enfranchised constituencies. But let him (the Marquess of Hartington) remind his right hon. Friend that perhaps the greatest step in legislation of that description was taken not by new, but by the old restricted constituencies. He referred to the Factory Acts, against which he had not a word to say, any more than his right hon. Friend had a word to say against the legislation of the late and the present Parliaments. The legislation in regard to the Factory Acts—the first step in the paternal, the philanthropic, and, if he might use the word, the Socialistic

The Marquess of Hartington

on which his right hon. Friend—was undertaken by a Parliament elected by restricted constituencies, as supported, as they had never to be, by many hon. Gentlemen of the Conservative Party. But what about his right hon. Friend might be his apprehensions of the tenor of the new constituencies, and from the Motion proposed to add to, he feared that his argument, whole, rested at last upon a point which it was too late for him or any else to seek to occupy. He went through the whole of his argument that the franchise was dependent upon some supposed right of the possessors of the franchise, but that was the ground which had now been abandoned. That evening they had heard a good deal of the "machinery" of Parliament; and, no matter if the only object of representative institutions were to provide the perfect machine, it would have to be produced in a very different way. Surely there were many contrivances which would produce an Assembly with more knowledge of political economy, of constitutional history, of law, of logic, reason, and common sense than the existing machinery. The country had always prospered upon the principle that the House of Commons was to be, as far as possible, a representation of the people of the country. And, though a House of Commons so elected often do foolish things, they yet did that the laws which were made by a House so elected would be more readily obeyed, that the policy adopted by a House so elected would be more fully supported, and that the institutions which were associated with a House so elected would be more cherished and venerated, and respected than could be the case under the most imperfect system of election by which any one could conceive. For these reasons he doubted whether the doubts and hesitations of his right hon. Friend were justified; but whether they were or not, they were apparently felt by the House by himself alone. ["No, they were not shared by Her Majesty's Government, and neither on this or on any former occasion, had it been said against the principle of the Motion. The right hon. Gentle-

man who had just sat down (the Chancellor of the Exchequer) had said that he would oppose the Motion; and that if he and others had not risen earlier in the evening, it was because they relied on arguments that had appeared before, and which they had not thought it necessary to repeat. But, unless his (the Marquess of Hartington's) memory deceived him, the Prime Minister had more than once, as fully as his hon. Friend (Mr. Trevelyan) could desire, assented to everything that had been said about the enfranchisement of the agricultural labourers, and rested his opposition to that measure solely upon the fact that it involved the re-distribution of seats. The hon. Member for Mid Lincolnshire (Mr. Stanhope) had argued against the Resolutions, but had said not one word against their principle. The argument of the hon. Gentleman was an ingenious one; but it only went to show that the necessity for the proposal was not proved. The hon. Gentleman, indeed, admitted a certain grievance on the part of the artisan class who lived immediately outside the boundaries of Parliamentary boroughs, and he suggested a remedy. But what was that remedy? It was simply the extension of the boundaries of Parliamentary boroughs. In other words, he suggested that the franchise in those boroughs, where the electors now possessed the smallest show of electoral power, should be still further diluted by the admission of a large number of persons who lived in the outskirts. But with regard to the agricultural labourer, the hon. Gentleman did not advance one argument against his admission to the franchise, but only suggested some reasons for believing that his interests were sufficiently attended to, and that he did not require for his protection the immediate possession of a Parliamentary vote. If, then, with the exception of his right hon. Friend, there was no one who argued against the proposition before the House on the ground of principle, on what grounds were we asked to oppose it? Simply on the ground that we were weary of the subject of Parliamentary reform, and that we were unwilling to grapple again with the many difficulties which surrounded it, and especially with those which surrounded the question of re-distribution of political power. Now, he would say that these

were not grounds upon which we could long resist the reality of this demand. These were grounds which would be sufficient for resisting an unreal, sham demand, based upon some sentimental aspirations; but they were not grounds upon which a claim such as this could be permanently resisted. He did not deny the good faith with which the plea for delay was put forward. He had himself felt, perhaps as strongly as any hon. Gentleman, a disinclination to enter again upon the most difficult, as well as the most important, question of Parliamentary Reform. He felt, he admitted it, the enormous difficulties of the question. But as to the disinclination to re-open the question of Parliamentary Reform, he might remind the House, that the responsibility rested not with hon. Gentlemen on that side, but with hon. Gentlemen opposite, who, when the whole question was before them 10 years ago, when they had made up their minds to deal with one part of it in a broad and comprehensive manner, shrank from dealing with the rest of the question upon a permanent and satisfactory basis. It might have been foreseen—he had no doubt it was foreseen by many—that the county franchise could not be left in the position in which it was left after that great concession had been made in the matter of the borough franchise. And it was in the recollection of them all that upon that side of the House there was not one hon. Member who professed to believe that the trifling re-distribution of seats under the Act of 1867 would prove satisfactory. As to the difficulties of the re-distribution of seats, he had admitted that he could see difficulties; but, at the same time, he thought those difficulties might easily be exaggerated. As had been pointed out by his hon. Friend the Member for Chelsea (Sir Charles W. Dilke), the necessity of re-distribution existed already. There were anomalies of an importance and magnitude which could hardly be exaggerated, and new disproportions, frequently brought about by the increase of the county electors, only added a fresh element to the consideration of the question, and could not be said to create a new necessity, only adding to that which already existed. At that hour of the night he would not trouble the House by going into figures on the question.

The Marquess of Hartington

There were some which had made a great impression on the House, and, he believed, on the country. There were some given by the present Prime Minister in order to point out the great disproportion which would be caused by the extension of the county franchise between the number of the county and the borough electors, and which, in his opinion, would tend to the creation of electoral districts. He (the Marquess of Hartington) thought it might be shown that there was considerable fallacy in those figures. It had been shown that there was a large and increasing population in counties, so that the disproportion pointed out by the Prime Minister as existing between counties and boroughs was really to a great extent an anomaly. But this was no doubt a great question which Parliament would, sooner or later, have to consider, and the sooner Parliament made up its mind to consider it, the milder and smaller would be the measure which it would be necessary to adopt. He believed there was no desire to disfranchise any community which had anything that could be called a separate, actual, and progressive existence of its own. He believed there was no desire to cut up the country into large electoral districts. But he thought, at the same time, it must be admitted a great many small constituencies still survived, which did not represent anything in particular but local prejudice, local selfishness, and local pride which it was not for the advantage of the public to continue. It must also be admitted that the extension of the suffrage to great cities and counties would not only give satisfaction and contentment to those cities and counties, but afford opportunities to many for entering Parliament who could not now obtain admission. Without detaining the House any further, he would only say that as it was now, he supposed, vain to hope that the present Parliament, in the time which remained to it would attempt to deal with and settle that question; still, in his opinion, its discussion within those walls during the existence of that Parliament could not be without its effect in the way of benefit. As he had said, the country would soon have to decide whether it would face this and other great questions at the next Election, or whether it would decide in favour of another period

of repose and silence; and he earnestly hoped that the result of that and other debates which might be held in that House in the interval would be to induce the country to take up the matter once more in earnest, so as without haste and without passion—as might now easily be done—but at the same time without hesitation and without timidity, that long-standing question might be settled on a basis which would hold out some prospect of permanence.

Question put.

The House *divided*:—Ayes 276; Noes 220: Majority 56.

AYES.

Adderley, rt. hn. Sir C.	Cole, Col. hon. H. A.
Agnew, R. V.	Coope, O. E.
Allen, Major	Corbett, Colonel
Allopp, C.	Cordes, T.
Archdale, W. H.	Corry, hon. H. W. L.
Arkwright, A. P.	Corry, J. P.
Ashbeton, R.	Crichton, Viscount
Astley, Sir J. D.	Cross, rt. hon. R. A.
Bagge, Sir W.	Cubitt, G.
Bailey, Sir J. R.	Cust, H. C.
Balfour, A. J.	Dalkeith, Earl of
Berne, F. St. J. N.	Dalrymple, C.
Bates, E.	Davenport, W. B.
Batson, Sir T.	Deedes, W.
Bathurst, A. A.	Denison, C. B.
Beach, rt. hn. Sir M. H.	Denison, W. E.
Beach, W. W. B.	Dick, F.
Bective, Earl of	Dickson, Major A. G.
Bentinck, rt. hn. G. C.	Digby, Capt. hon. E.
Bentinck, G. W. P.	Dyott, Colonel R.
Beresford, G. de la Poer	Eaton, H. W.
Beresford, Colonel M.	Edmonstone, Admiral
Barley, H.	Sir W.
Blackburne, Col. J. I.	Egerton, hon. A. F.
Board, T. W.	Egerton, Sir P. G.
Bourke, hon. R.	Egerton, hon. W.
Bourne, Colonel	Elliot, Sir G.
Bowen, J. B.	Elliot, G. W.
Bright, R.	Elphinstone, Sir J. D. H.
Brise, Colonel R.	Emlyn, Viscount
Broadley, W. H. H.	Eslington, Lord
Brooke, W. C.	Ewing, A. O.
Bruce, rt. hon. Lord E.	Finch, G. H.
Bruce, hon. T.	Floyer, J.
Braen, H.	Folkestone, Viscount
Brymer, W. E.	Forester, C. T. W.
Bulwer, J. R.	Forsyth, W.
Barrell, Sir W. W.	Foster, W. H.
Burton, Sir R. J.	Fraser, Sir W. A.
Cameron, D.	Fremantle, hon. T. F.
Campbell, C.	Freshfield, C. K.
Cartwright, F.	Gallwey, Sir W. P.
Cave, rt. hon. S.	Galway, Viscount
Cecil, Lord E. H. B. G.	Gardner, J. T. Agg-
Chaplin, Colonel E.	Gardner, R. Richard-
Christie, W. L.	son-
Clifton, T. H.	Garnier, J. C.
Clive, Col. hon. G. W.	Gibson, rt. hon. E.
Clowes, S. W.	Giffard, Sir H. S.
Cobbold, T. C.	Goddard, A. L.

Goldney, G.	Majendie, L. A.
Gordon, W.	Makins, Colonel
Goschen, rt. hon. G. J.	Malcolm, J. W.
Goulding, W.	Manners, rt. hn. Lord J.
Grantham, W.	Marten, A. G.
Greenall, Sir G.	Merewether, C. G.
Greene, E.	Mills, A.
Gregory, G. B.	Mills, Sir C. H.
Guinness, Sir A.	Monckton, F.
Gurney, rt. hon. R.	Montgomerie, R.
Hall, A. W.	Montgomery, Sir G. G.
Halsey, T. F.	Morgan, hon. F.
Hamilton, Lord C. J.	Mowbray, rt. hon. J. R.
Hamilton, I. T.	Muncaster, Lord
Hamilton, Lord G.	Naghten, Lt.-Col.
Hamilton, Marquess of	Newdegate, C. N.
Hamond, C. F.	Newport, Viscount
Hardcastle, E.	Noel, rt. hon. G. J.
Hardy, rt. hon. G.	North, Colonel
Hardy, J. S.	Northcote, rt. hon. Sir
Harvey, Sir R. B.	S. H.
Hay, right hon. Sir J.	O'Neill, hon. E.
C. D.	Onslow, D.
Heath, R.	Paget, R. H.
Helmsley, Viscount	Palk, Sir L.
Herbert, hon. S.	Parker, Lt.-Col. W.
Hermon, E.	Pateshall, E.
Hervey, Lord F.	Peel, rt. hon. Sir R.
Heygate, W. U.	Pell, A.
Hinchbrook, Visct.	Pemberton, E. L.
Holford, J. P. G.	Pennant, hon. G.
Holker, Sir J.	Peploe, Major
Holland, Sir H. T.	Percy, Earl
Holmesdale, Viscount	Pim, Captain B.
Home, Captain	Plunket, hon. D. R.
Hood, Captain hon. A.	Plunkett, hon. R.
W. A. N.	Powell, W.
Hope, A. J. B. B.	Praed, C. T.
Hubbard, E.	Praed, H. B.
Isaac, S.	Price, Captain
Jervis, Colonel	Puleston, J. H.
Johnson, J. G.	Raikes, H. C.
Johnstone, Sir F.	Read, C. S.
Jolliffe, hon. S.	Rendlesham, Lord
Jones, J.	Repton, G. W.
Kavanagh, A. MacM.	Ridley, M. W.
Kennard, Colonel	Ritchie, C. T.
Kennaway, Sir J. H.	Rodwell, B. B. H.
King-Harman, E. R.	Round, J.
Knight, F. W.	Russell, Sir C.
Knightley, Sir R.	Ryder, G. R.
Lacon, Sir E. H. K.	Sackville, S. G. S.
Lawrence, Sir T.	Salt, T.
Learmonth, A.	Sanderson, T. K.
Lechmere, Sir E. A. H.	Sandon, Viscount
Lee, Major V.	Slater-Booth, rt. hn. G.
Legard, Sir C.	Scott, Lord H.
Legh, W. J.	Scott, M. D.
Leighton, S.	Selwin - Ibbetson, Sir
Lennox, Lord H. G.	H. J.
Lealie, Sir J.	Severne, J. E.
Lewis, C. E.	Shirley, S. E.
Lindsay, Col. R. L.	Sidebottom, T. H.
Lindsay, Lord	Simonds, W. B.
Lloyd, S.	Smith, A.
Lloyd, T. E.	Smith, F. C.
Lopes, Sir M.	Smith, S. G.
Lowe, rt. hon. R.	Smith, W. H.
Lowther, hon. W.	Smollett, P. B.
Lowther, J.	Somerset, Lord H. R. C.
Macartney, J. W. E.	Sotherton-Estcourt, G.
Mac Iver, D.	Stanhope, hon. E.
McGarel-Hogg, Sir J.	Stanhope, W. T. W. S.

Stanley, hon. F.
 Steere, L.
 Stewart, M. J.
 Storer, G.
 Sykes, C.
 Talbot, J. G.
 Taylor, rt. hon. Col.
 Thornhill, T.
 Thwaites, D.
 Thynne, Lord H. F.
 Tollemache, hon. W. F.
 Torr, J.
 Trevor, Lord A. E. Hill-
 Turnor, E.
 Verner, E. W.
 Wait, W. K.
 Walker, T. E.
 Wallace, Sir R.
 Walpole, rt. hon. S.
 Warburton, P. E.

Waterhouse, S.
 Watney, J.
 Watson, W.
 Welby-Gregory, Sir W.
 Wellesley, Colonel
 Wells, E.
 Wilmot, Sir J. E.
 Wilson, W.
 Wolff, Sir H. D.
 Woodd, B. T.
 Wroughton, P.
 Wyndham, hon. P.
 Wynn, C. W. W.
 Yarmouth, Earl of
 Yorke, hon. E.
 Yorke, J. R.

TELLERS.

Dyke, Sir W. H.
 Winn, R.

NOES.

Acland, Sir T. D.
 Adam, rt. hon. W. P.
 Allen, W. S.
 Anderson, G.
 Anstruther, Sir R.
 Ashley, hon. E. M.
 Backhouse, E.
 Balfour, Sir G.
 Barclay, J. W.
 Barran, J.
 Baxter, rt. hon. W. E.
 Bazley, Sir T.
 Beaumont, Major F.
 Beaumont, W. B.
 Bell, I. L.
 Biddulph, M.
 Blake, T.
 Blennerhassett, R. P.
 Bolckow, H. W. F.
 Brady, J.
 Brassey, H. A.
 Brassey, T.
 Briggs, W. E.
 Bright, J.
 Bright, rt. hon. J.
 Bristowe, S. B.
 Brocklehurst, W. C.
 Brogden, A.
 Brown, A. H.
 Brown, J. C.
 Burt, T.
 Cameron, C.
 Campbell, Sir G.
 Campbell-Bannerman,
 H.
 Carington, hon. Col. W.
 Cave, T.
 Cavendish, Lord F. C.
 Cavendish, Lord G.
 Chadwick, D.
 Chamberlain, J.
 Childers, rt. hon. H.
 Cholmeley, Sir H.
 Clifford, C. C.
 Cole, H. T.
 Colebrooke, Sir T. E.
 Colman, J. J.
 Conyngham, Lord F.
 Corbett, J.
 Cotes, C. C.

Cowan, J.
 Cowen, J.
 Cowper, hon. H. F.
 Crawford, J. S.
 Cross, J. K.
 Davie, Sir H. R. F.
 Davies, R.
 Dease, E.
 Dillwyn, L. L.
 Dodson, rt. hon. J. G.
 Downing, M' C.
 Duff, M. E. G.
 Duff, R. W.
 Dundas, J. C.
 Earp, T.
 Edwards, H.
 Egerton, Adm. hon. F.
 Errington, G.
 Eyton, P. E.
 Fawcett, H.
 Ferguson, R.
 Fitzmaurice, Lord E.
 Fletcher, I.
 Foljambe, F. J. S.
 Forster, Sir C.
 Forster, rt. hon. W. E.
 Gladstone, rt. hn. W. E.
 Gladstone, W. H.
 Goldsmid, J.
 Gordon, Lord D.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Grey, Earl de
 Grosvenor, Lord R.
 Hankey, T.
 Harcourt, Sir W. V.
 Harrison, C.
 Harrison, J. F.
 Hartington, Marq. of
 Havelock, Sir H.
 Hayter, A. D.
 Henry, M.
 Hibbert, J. T.
 Hill, T. R.
 Hodgson, K. D.
 Holms, J.
 Holms, W.
 Hopwood, C. H.
 Howard, hon. C.
 Howard, E. S.

Hughes, W. B.
 Hutchinson, J. D.
 Ingram, W. J.
 Jackson, Sir H. M.
 James, Sir H.
 James, W. H.
 Jenkins, D. J.
 Johnstone, Sir H.
 Kay - Shuttleworth,
 Sir U.
 Kensington, Lord
 Kingscote, Colonel
 Kinnaird, hon. A. F.
 Knatchbull-Hugessen,
 rt. hon. E.
 Laing, S.
 Lambert, N. G.
 Laverton, A.
 Law, rt. hon. H.
 Lawrence, Sir J. C.
 Lawson, Sir W.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Leith, J. F.
 Lloyd, M.
 Locke, J.
 Lorne, Marquess of
 Lush, Dr.
 Lusk, Sir A.
 Macdonald, A.
 Macduff, Viscount
 Macgregor, D.
 Mackintosh, C. F.
 M'Arthur, A.
 M'Arthur, W.
 M'Kenna, Sir J. N.
 M'Lagan, P.
 M'Laren, D.
 Maitland, J.
 Maitland, W. F.
 Marjoribanks, Sir D. O.
 Marling, S. S.
 Martin, P. W.
 Massey, rt. hon. W. N.
 Middleton, Sir A. E.
 Milbank, F. A.
 Monk, C. J.
 Montagu, rt. hn. Lord R.
 Moore, A.
 Morgan, G. O.
 Morley, S.
 Mundella, A. J.
 Muntz, P. H.
 Mure, Colonel
 Murphy, N. D.
 Noel, E.
 Nolan, Captain
 Norwood, C. M.
 O'Beirne, Captain
 O'Byrne, W. R.
 O'Clery, K.
 O'Donnell, F. H.
 O'Gorman, P.

O'Loughlan, rt. hon. Sir
 C. M.
 O'Shaughnessy, R.
 Palmer, C. M.
 Parnell, C. S.
 Pease, J. W.
 Peel, A. W.
 Pennington, F.
 Perkins, Sir F.
 Philips, R. N.
 Playfair, rt. hon. L.
 Portman, hon. W. H. B.
 Potter, T. B.
 Power, J. O' C.
 Power, R.
 Price, W. E.
 Ramsay, J.
 Rashleigh, Sir C.
 Rathbone, W.
 Redmond, W. A.
 Reed, E. J.
 Richard, H.
 Robertson, H.
 Rothschild, Sir N. M. de
 Rylands, P.
 St. Aubyn, Sir J.
 Samuda, J. D' A.
 Samuelson, B.
 Samuelson, H.
 Seely, C.
 Sheil, E.
 Sheridan, H. B.
 Sherriff, A. C.
 Simon, Mr. Serjeant
 Sinclair, Sir J. G. T.
 Smith, E.
 Smyth, R.
 Spinks, Mr. Serjeant
 Stansfeld, rt. hon. J.
 Stepney, Sir A.
 Stuart, Colonel
 Swanston, A.
 Tavistock, Marquess of
 Taylor, P. A.
 Torrens, W. T. M' C.
 Tracy, hon. F. S. A.
 Hanbury-
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, H. H.
 Waddy, S. D.
 Walter, J.
 Ward, M. F.
 Whalley, G. H.
 Whitbread, S.
 Whitworth, B.
 Williams, W.
 Wilson, C.
 Wilson, Sir M.
 Yeaman, J.
 Young, A. W.

TELLERS.

Dilke, Sir C. W.
 Trevelyan, G. O.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

Original Motion, by leave, *withdrawn*.

Committee *deferred* till Monday next.

PUBLIC LOANS REMISSION.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed, "That it is expedient to authorise the remission of certain Loans formerly made out of the Consolidated Fund of the United Kingdom, or out of Public Revenues."

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Monk.*)

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Resolution to be reported upon *Monday* next.

POST OFFICE TELEGRAPH SERVICES
[MONEY].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to raise further sums of money, not exceeding in the whole the sum of Five Hundred Thousand Pounds, for the purposes of the Telegraph Acts, by the creation of Three per Cent. Capital Stocks of Annuities, chargeable on the Consolidated Fund of the United Kingdom.

Resolution to be reported upon *Monday* next.

COUNTY OFFICERS AND COURTS (IRELAND)
BILL.

Select Committee to consist of Nineteen Members:— Committee *nominated*:— Sir MICHAEL HICKS-BEACH, Mr. GEORGE BERESFORD, Mr. BIGGAR, Mr. CLOSE, Mr. DOWNING, Mr. DAVID PLUNKET, Mr. MELDON, Mr. O'SHAUGHNESSY, Mr. GOULDING, Mr. MACARTNEY, Mr. KING-HARMAN, Mr. LAW, Sir COLMAN O'LOUGHLIN, Mr. PARNELL, Mr. LOWRY CORRY, Mr. SHAW, Mr. SERJEANT SHERLOCK, Mr. WILSON, and Mr. ATTORNEY GENERAL for IRELAND; Five to be the quorum.

House adjourned at a quarter
before Two o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, 2nd July, 1877.

MINUTES.]—*Sat First in Parliament*—The Lord Minister, after the death of his Father.

Public Bills—*First Reading*—Inclosure (127).

Second Reading—Royal Irish Constabulary* (120).

Committee—General Police and Improvement (Scotland) Act (1862) Amendment* (109); Trade Marks* (106).

Report—Metropolis Toll Bridges* (119); Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.)* (81); Local Government Provisional Orders (Bridlington, &c.)* (107).

Third Reading—Public Works Loans* (88); Norfolk and Suffolk Fisheries* (104); Local Government Board's Provisional Orders Confirmation (Belper Union)* (87), and *passed.*

INLAND NAVIGATION (IRELAND).

MOTION FOR A RETURN. QUESTION.

THE EARL OF LEITRIM moved for a Return showing the amount of money granted by the Irish Parliament for the formation of the Royal Canal between the River Liffey at Dublin and the River Shannon, and for the amount of money granted by the Parliament of the United Kingdom of Great Britain and Ireland to the Inland Navigation Commissioners to complete the Royal Canal from the River Liffey at Dublin and the River Shannon. The noble Earl said, the canal was first commenced by a Company who borrowed money of the Irish Government, and mortgaged the canal. They now came forward, not as a canal Company, but as a railway Company, asking Parliament for an extension of powers, and inserted canal clauses in the Bill. In making this Motion, he desired to ask, Whether it was intended to reserve the power which the Irish Government still possessed of not allowing the property in the Royal Canal to be mortgaged without the sanction of the Lord Lieutenant?

THE MARQUESS OF SALISBURY said, he saw no objection to the production of the Return moved for; but requested the noble Earl to repeat his Question on another occasion, as his Notice had not sufficiently indicated its purport for him to be able to answer it.

Motion *agreed to*; Return *ordered.*

INCLOSURE OF COMMONS.

(*The Lord Steward.*)

PRESENTED. FIRST READING.

EARL BEAUCHAMP presented a Bill to confirm certain Provisional Orders of the Inclosure Commissioners for the inclosure of lands situate in Barrowden, South Luffenham, and North Luffenham in the county of Rutland, and at Riccall in the county of York; and moved that so much of the Order of the 23rd of April, 1877, as

related to the first reading of Inclosure Bills be suspended in reference to the said Bill, and that the said Bill be read a first time. Injustice would be done and great improvements would be delayed unless this Standing Order were suspended in reference to this Bill, and he hoped their Lordships would agree to the Motion.

THE EARL OF REDESDALE said, he would not object to the Motion in this case; but he must remark that there was no use in making Orders unless they were attended to. There could be no reason why parties should not have their Bills ready at a much earlier period of the Session.

Motion agreed to; Bill read 1st accordingly; to be printed; and referred to the Examiners.

House adjourned at a quarter before Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, 2nd July, 1877.

MINUTES.]—SUPPLY—considered in Committee
—ARMY ESTIMATES—R.P.

QUESTIONS.

POST OFFICE—EDINBURGH RECEIVING HOUSE.—QUESTION.

MR. M'LAREN asked the Postmaster General, If he will state the reasons for the proposed removal of the receiving Post Office, from Gladstone Place, Edinburgh, (in opposition to the wishes of a large number of Petitioners against such removal) to Argyll Place, which the Petitioners consider much less convenient; and, whether, he is aware that the shop to which it is proposed to be removed is licensed for the sale of exciseable liquors, and that the shop in Gladstone Place is not so licensed?

LORD JOHN MANNERS, in reply, said, it was found on inquiry that the office would be likely to be of more use in the latter place. The memorial

Earl Beauchamp

against the alteration had not been received until the 25th of June, and the shop to which the office had been removed was not licensed for the sale of liquors to be consumed on the premises.

RUSSIA—HON. COLONEL WELLESLEY, MILITARY ATTACHE.—QUESTION.

LORD FRANCIS CONYNGHAM asked Mr. Chancellor of the Exchequer, Whether due explanation has been made to Colonel Wellesley, Military Attaché in Russia, of the discourtesy of his reception at the Russian head quarters on the Danube; whether facilities have been given to him to discharge the duties of his office, equal to those given to the military representatives of other neutral powers with the Russian Army; and, whether Her Majesty's Government will lay upon the Table of the House any Correspondence which has taken place on the subject?

THE CHANCELLOR OF THE EXCHEQUER: Sir, Colonel Wellesley has reported that nothing could be more satisfactory than the manner in which he was received on the 27th ult. by Prince Gortchakoff. He had been desired to repair to His Majesty's head quarters, where he was told he would be perfectly well received both by the Emperor and the Grand Duke. He is to be attached in the same manner as his German and Austrian colleagues. There is no official correspondence which can be presented to the House. The communications which have been exchanged with the Russian Government have been of a formal character.

NATIONAL GALLERY — DAVID ROBERTS, R.A.—QUESTION.

MR. COLLINS asked Mr. Chancellor of the Exchequer, Whether it is true that two paintings by the late David Roberts, R.A. (one of them said to be his masterpiece) were recently offered by Mrs. Bunning, widow of the late City Architect, to the Trustees of the National Gallery; whether he is aware that the offer has been declined; and, if he will inform the House of the grounds of refusal to accept them?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it was true that two paintings by the late David Roberts, R.A., were received at the National

Gallery under the will of the late Mr. Bunning. It was also true that they were not accepted by the Trustees. The ground upon which the pictures were declined was, he was informed, that after careful examination they did not appear to the Trustees to be of sufficient excellence as compared with many other works of Mr. Roberts to represent fairly that distinguished painter in the national collection. It required a considerable exercise of care on the part of the Trustees in order to secure that a painter should be properly represented, and the National Gallery already possessed two very beautiful works of Mr. Roberts.

POST OFFICE—CAMOLIN POST OFFICE,
WEXFORD.—QUESTION.

MR. REDMOND asked the Postmaster General, If any charge of irregularity or other complaint was made to the Irish Post Office with reference to the management of the Post Office at Camolin, county of Wexford, during the time that office was in charge of Miss F. M. Keogh, as acting Postmistress and as assistant to her father the late Postmaster; and, if he will be good enough to state upon what grounds Miss Keogh was removed and another person appointed in her place?

LORD JOHN MANNERS: No complaint has been made as to the management of the Camolin Post Office during the time it was in charge of Miss Keogh as acting postmistress and as assistant to her father, the late postmaster; but it cannot be said that she was removed in consequence of any irregularity which was complained of during that time, inasmuch as she never held any appointment, and when the office became vacant, it was filled up by the Treasury in the usual manner.

CONTAGIOUS DISEASES (ANIMALS)
ACT, 1869—CONVICTIONS—CATTLE
PLAGUE IN YORKSHIRE.

QUESTION.

MR. JACOB BRIGHT asked the Secretary of State for the Home Department, Whether his attention has been called to a decision given by two magistrates of the East Riding of Yorkshire against Mr. John Metcalfe of

Snainton, and Mr. William Swanwell of Fowbridge, for a breach of the Cattle Plague Regulations; whether fines of £10 and of £5, with costs, were not inflicted upon these gentlemen for having moved cattle from one place to another, though they had obtained a licence from the magistrates authorizing the removal of the cattle; whether the defendants were not fined for acting upon a licence which they thought to be valid, which the magistrates had granted, but which, being ignorant of the Law, they had no right to grant; and, whether, in such circumstances, he will consider whether he might not advise that the fine be remitted?

MR. ASSHETON CROSS, in reply, said, the affair occurred at a time when there was great danger of the spread of the cattle disease in Yorkshire. The magistrates, therefore, might have deemed it to be their duty to construe the law with the greatest strictness. He had been told that, although it was true that one of the gentlemen in question had obtained a pass for his cattle, in the opinion of the magistrates, that had nothing to do with the case; because, as a large dealer in cattle, he ought to have made himself acquainted with the law relating to their removal. The rules on the subject which were framed by the local authorities were perfectly clear and distinct, and had been published in all the local newspapers, as well as posted up in various parts of the county. The case, therefore, had nothing to do with the granting of any licence, for the notice stated that from the date of its publication no cattle could be brought from any part of the East Riding. There was thus an absolute prohibition on the removal of cattle, with which the dealers ought to have been acquainted, and he had not in the circumstances deemed it right to interfere in the matter. He thought it possible that the magistrates might have signed the licences under the impression that the cattle might go through the Riding.

PAROCHIAL CHARITIES (CITY OF
LONDON).—QUESTION.

MR. FAWCETT asked the Secretary of State for the Home Department, Whether he can now inform the House what course the Government intends to take with the view of remedying the

grave abuses which, as pointed out in the recent Report of the Charity Commissioners, exist in the administration of certain parochial charities in the City of London?

MR. ASSHETON CROSS, in reply, said, he had been in communication with the Charity Commissioners on the matter. They had referred to it in their Report, and had since sent him (Mr. Cross) further particulars in reference thereto. Undoubtedly, the first step the Government would take would be to confer with the parochial authorities upon the matter. The only question was, whether any further legislation was necessary or not, because further legislation could not be proceeded with at this period of the Session, and he hoped that before the next Session of Parliament other means might be found by which the abuses complained of might be remedied.

LAW AND JUSTICE (IRELAND)—
DUNOW PETTY SESSIONS CLERKSHIP.
QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If it is a fact that a Mr. Palmer has been elected petty sessions clerk at Dunow, county Kilkenny. Mr. Palmer being clerk in the rent office of Viscount Ashbrook, a Mr. Hare, agent to Lord Ashbrook, being seconder of the nomination; if the above facts are truly stated, whether if it is within his power to put aside the appointment, he will do so?

SIR MICHAEL HICKS-BEACH: Sir, I understand that Mr. Palmer, the person referred to in the Question, has been a clerk in Lord Ashbrook's office, and that his nomination was seconded by Mr. Hare. I am further informed that he is a gentleman of good intelligence and education, and that the Registrar of Petty Sessions Clerks, having examined him as to his knowledge of the duties of his appointment, considers him fully qualified to perform them. It is stated that he was unanimously elected by a bench of six magistrates, there being no other candidate, in circumstances which show that the decision was not due to politics or religion, and I see no reason whatever why I should advise the Lord Lieutenant not to approve the appointment.

Mr. Fawcett

PUBLIC HEALTH ACT—THE PARISH
OF ASH.—QUESTION.

MR. A. H. BROWN asked the President of the Local Government Board, Why the authorities of Eassey Union have failed to take any steps for the proper drainage of the parish of Ash, in accordance with the directions of the Local Government Board; and, inasmuch as the village and neighbourhood have been visited by periodical outbreaks of fever and diphtheria in recent years, what steps the Board intend to take to ensure improved regulations and arrangements for that locality?

MR. SCLATER-BOOTH, in reply, said, the drainage of Ash had been the subject of a long correspondence between the rural sanitary authority at Eassey and the Local Government Board. A complaint having been made under the Public Health Act, a formal inquiry was held as to the condition of things. The local authorities were afterwards instructed to take steps to carry into effect the recommendations made in the Report. In the last few days, he had been informed that the rural sanitary authorities had arrived at the conclusion that no drainage was required at Ash. He had not yet decided what course to adopt, as the case presented certain difficulties.

ARMY—PAY OF BREVET MAJORS.
QUESTION.

CAPTAIN O'BEIRNE asked the Secretary of State for War, If he would explain why Brevet Majors of Cavalry do not get the 2s. a-day extra pay given to Brevet Majors of Infantry?

MR. GATHORNE HARDY, in reply, said, the Cavalry officers received 14s. 7d. a-day, while the Infantry officers received only 11s. 7d. That would account for the difference in the extra pay.

CRIMINAL LAW—IMPORTATION
OF ITALIAN CHILDREN.

QUESTION.

SIR H. DRUMMOND WOLFF asked the Secretary of State for the Home Department, Whether he has had the opportunity of considering the present state of the Law as regards the introduction into this country of Italian

children, who have been taken away from Italy in violation of the Laws of that Kingdom; and, whether he is prepared to take any steps to suppress this traffic?

MR. ASSHETON CROSS, in reply, said, he was aware that the the Italian Government were anxious as to the matter referred to in the Question. He had been in communication with the Foreign Office and the Education Department on the subject, and he had also received a communication from the Charity Organization Society, with a notification that, in their opinion, there existed at the present moment ample means of meeting the question under the existing law. He intended to have a conference with the Society during the present week, when they would lay the whole case before him.

ARMY VETERINARY DEPARTMENT— CANDIDATES.—QUESTION.

CAPTAIN MILNE HOME asked the Secretary of State for War, If he is aware that, though nearly one hundred fresh men have entered the veterinary profession during the last three months, no candidates have offered themselves for the fifteen vacancies now existing in the Army Veterinary Department; and, if he will state what immediate measures he proposes to take, in order to make this branch of the service more popular in the veterinary profession?

MR. GATHORNE HARDY, in reply, said, that no candidates had offered themselves for the 15 vacancies now existing in the Army Veterinary department. Many schemes had been submitted to the War Department for the purpose of making that branch of the Service more popular with the Veterinary Profession, and were now under consideration; but until the probable cost and the result of such schemes had been inquired into he had not thought it right to make any proposal on the subject.

EGYPT—THE LATE FINANCE MINISTER.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for Foreign Affairs, Whether he has any information regarding the fate of the late Monfettish of Egypt?

MR. BOURKE, in reply, said, that the Foreign Office received some time ago a despatch from Mr. Vivian, stating that the late Monfettish, or Finance Minister, of Egypt, was condemned last September to be exiled to a place in Upper Egypt. He was conveyed along the River Nile to the Second Cataract, where he was disembarked, and the rest of the journey was performed by land. It appeared that during the journey from the Second Cataract his constitution became more and more enfeebled by dysentery, and Her Majesty's Government, unfortunately, were told that his death took place shortly after his arrival at the place of his exile, it having been occasioned by congestion of the brain, and accelerated by intemperance.

CIVIL SERVICE COMPETITION.

QUESTION.

DR. BRADY asked the Secretary to the Treasury, If his attention has been directed to the working of the 7th Article of the General Regulations, issued on the 4th of June 1870, with regard to open competition for the Civil Service; and if the prohibition therein imposed on successful candidates has been found conducive to the public interest?

MR. W. H. SMITH, in reply, said, although he must premise that it was most inexpedient that changes should be rashly made in the regulations respecting admission to the Civil Service, yet he was prepared to admit that the question was one which deserved some consideration. The General Regulations had been under consideration for some time, and the Chancellor of the Exchequer had thought it right to ask the Civil Service Commissioners to report to him upon the effect of the article referred to, as regarded the securing of the best men for the Public Service.

MINES ACT, 1872—CONVICTION OF MR. B. THOMAS.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been directed to the report in the "Western Mail" of the 21st inst. of the trial and conviction of Benjamin Thomas, Manager of the Weigfach Colliery, near Swansea for a breach of "The Mines Act, 1872;"

whether, considering that no less than eighteen persons lost their lives through the offence, he will deal with the case under the thirty-second Clause of "The Mines Act, 1872:" if he has considered the small amount of the fine, £20, imposed by the Statute in such cases: and, if he will this Session bring in a measure that will substantially deal with cases of this kind.

MR. ASSHETON CROSS, in reply, said, that his attention had been directed to the case in question, but the Inspector had not yet sent in his final Report, because certain legal proceedings before the magistrates were not yet concluded. When these proceedings were terminated, the Report would be placed in his hands, and he should then be able to determine whether he would deal with the case under the 32nd clause of the Act. The amount of the fine (£20) imposed by the statute in such cases might be small; but it should be borne in mind that persons guilty of negligence might be indicted for manslaughter or misdemeanour. With regard to the 32nd section of the Mines Regulation Act, he was afraid the managers of mines had been in the habit of looking at it somewhat as a dead letter, and he had therefore twice during the present year ordered an investigation into the conduct of the manager of a mine under that section, for the purpose of showing managers that it was not a dead letter, and that if they broke it they would be liable to be punished with the loss of their certificates.

INDIA—THE SALT DUTIES.

QUESTION.

MR. WILBRAHAM EGERTON asked the Under Secretary of State for India, If his attention has been called to the speech of Sir John Strachey in the Legislative Council of India on the Salt Duties; and, whether the Indian Government will be able, without any loss of revenue, to equalize or reduce the duties on salt so as to admit English salt into the Madras Presidency on the same terms as it had been introduced into Calcutta?

LORD GEORGE HAMILTON: Sir, Sir John Strachey's argument was to the effect that, in dealing with the salt duties, we ought to endeavour to give to India a supply of salt at the cheapest

rate consistent with financial necessities. He also analyzed at some length the different systems under which salt was taxed in the different parts of India, and the various sources of supply. In Bengal, where Native manufacture of salt was not easy, the salt consumed was almost exclusively English, upon which an import duty was levied of 3r. 4a. per maund. On the other hand, in Madras and Bombay, the manufacture of salt from the sea by Native agency is cheap and easy, and a duty is levied of 1r. 13a. per maund. Unless English salt can compete in cheapness with the salt manufactured in Madras, no reduction or alteration in the duties will secure its use in that Presidency. The Secretary of State has recently directed an inquiry into the whole question of salt duties, and more especially with regard to the Madras system.

PLUMSTEAD COMMON — LEGAL PROCEEDINGS.—QUESTION.

MR. BOORD asked the Secretary of State for the War Department, Whether the recent arrest of two persons named Cowing and Deadman, at the suit of the War Department (or the Crown), decided by the judgment of the Court of Exchequer to have been effected on illegal process, was sanctioned by Her Majesty's Government; and, if so, whether he is prepared to make adequate compensation to the persons arrested in respect of their illegal imprisonment?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the matter was one in which no directions were given by the Treasury or by any other Department of the Government. What had been done occurred in the ordinary course of business. He understood that the case was something of this kind—An action was brought against his right hon. Friend the Secretary of State, or against the Crown, by certain persons in regard to the use of Plumstead Common. The action was tried, and the Court decided in favour of the Crown, leaving the plaintiffs to pay the costs. When the costs were applied for, the plaintiffs either had no property, or had conveyed away what property they had. In these circumstances the Solicitor to the Treasury, pursuing what he considered to be the usual course, took steps for the arrest of these persons. He was not

Mr. Macdonald

informed of this till some days afterwards, but on hearing of it, and in consultation with his right hon. Friends the Secretary of State for War and the Secretary of State for the Home Department, orders were given for the discharge of these persons. Subsequently, he believed, a plea was made in their behalf in the Court of Exchequer, and, as the Government made no appearance in the case beyond stating that they had been discharged, a decision was given in their favour. He had called on the Solicitor to the Treasury to make a full Report on the subject, and when it was received he should be better able to judge of the proper course to be pursued.

THE FIJI ISLANDS—LABOUR TRAFFIC. QUESTION.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether any regulations have been adopted to control the labour traffic between the Islands of the Pacific and the Colony of Fiji, as well as the internal traffic in natives of Fiji between the various Islands of the Fiji group; if so, whether he would lay upon the Table Copies of such regulations; and, whether the proposed change of the seat of Government of the Colony of Fiji from Levuka to Suva has as yet been carried out?

MR. J. LOWTHER: Sir, an Ordinance regulating the labour traffic in the islands of the Pacific has been recently approved by the Secretary of State, and two others are now under consideration. There will be no objection to lay any or all of these Ordinances upon the Table when complete; but it will be desirable to defer doing so until they assume their final shape. As regards the change of capital, it was notified to the Governor of Fiji by telegraph on the 26th of March that Her Majesty had selected Suva as the future capital of the Colony. It is, therefore, probable that steps will by this time have been taken to carry out that decision.

ARMY PROMOTION AND RETIREMENT —THE WARRANT.—QUESTION.

COLONEL MURE said, he wished to give Notice that on Thursday next he would ask Mr. Chancellor of the Exche-

quer, Whether, many months ago, the draft Warrant for Army Promotion and Retirement has not been submitted to the Treasury; whether there had not been great delay in bringing it before the House of Commons; and, whether there was any probability of its being laid upon the Table at an early date?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think I can answer the Question generally at once. It is true that the draft Warrant was sent in to the Treasury some considerable time ago, and that it has been under the careful consideration of the Treasury; but it is a matter that involves a good deal of expense, not so much at the present moment perhaps as in future years, and, therefore, it is the duty of the Treasury very carefully to examine the proposals, but we have been examining them without any unnecessary delay, and we hope before very long to come to an agreement with my right hon. Friend, and in time for the Warrant to be laid before Parliament before the close of the Session.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

ORDERS OF THE DAY.

—:O:—

ARMY—MOUNTED RIFLEMEN.

OBSERVATIONS.

MR. CARPENTER-GARNIER rose to call attention to the subject of Mounted Riflemen in general, and to the system of drill and tactics carried out by Lieutenant Colonel Bower in the Hampshire Mounted Rifle Volunteers in particular. The system was one which ought to be more generally adopted as an active method of warfare. For the importance of such troops, he would quote the statement of Colonel Hamley—that their functions were very numerous and various, and great attention had been paid to their use during the American War; and the author of the *Recent Changes in the Art of War* had described the value of mounted infantry such as the original dragoons. The

corps to which he desired to call the attention of the House had been formed in 1859 or 1860, with the idea of utilizing the capabilities of good "cross-country" riders, and it consisted at first of 40 or 50 men. Colonel Bower had thought that the system he had known in India might be serviceable in this country, and he had introduced a new method of carrying the long rifle on horseback, and a new system of skirmishing which was peculiarly appropriate. The objects and use of the corps had been fully explained in a published letter which many hon. Members, probably, had seen, and, in particular, the advantages of the Martini-Henry over the short carbine had been described in it. The peculiarity of the Force was his excuse for occupying the time of the House. The corps, although established on such a small scale, was, in fact, a model in miniature which would probably be copied by other regiments, as it had been warmly praised by military critics. It was well adapted for skirmishing and celerity of manoeuvre, and its riding and shooting contests had been the origin of the very popular prize at Wimbledon, known as the "Loyd-Lindsay Prize." Having cited the authority of the late Sir Hope Grant, the hon. and gallant Member for Brighton (General Shute), and others, as to the utility of such a force, the hon. Gentleman proceeded to contend that Cavalry, if armed with long-range rifles, might not only be able to act efficiently as skirmishers, but might even turn the tables on Infantry, because they would have the advantage over Infantry of the choice of position and cover. The history of Colonel Bower's drill-book was very curious. In 1869 it was sent to the War Office, where it was twice lost; and at length, in 1875, Colonel Bower was politely informed that the Secretary of State did not think it necessary to bring the book out at the public expense. Meantime, it could not but be flattering to his gallant friend, Colonel Bower, to find that a considerable portion of the system which he invented had been adopted by the regular Cavalry, and that circumstance alone should have saved him from the rebuff he had received at the hands of the War Office. It certainly was not Colonel Bower's wish to again take the command of the corps to which he belonged; for he had merely yielded to the request of the men whom he commanded when he withdrew

his resignation and asked to be reinstated in his position. There were only two such mounted corps in England and two in Scotland, and he ventured to ask the Secretary of State for War, whether he agreed in the proposition that a mounted rifle Force was valuable at the present day; and, if so, whether he intended to take any steps for providing such a Force for the defence of the country, whether in connection with the Regular Army or otherwise?

GENERAL SHUTE said, that the corps referred to was a special, and, he might say, a model corps. He did not think we had anything to learn from America. The reason they employed mounted rifles in the American War was because they had no Cavalry and could not form any. But he quite agreed with his hon. Friend as to the value of hunting men for such a corps. There could be no good outpost officer who was not also a good man across country, because in England our strict law of trespass prevented Cavalry officers acquiring the necessary eye to country, except in the hunting field. The idea of Colonel Bower was, that in every county of England we had a number of gentlemen who could cross country, who were good shots, and who might be utilized with great advantage. With regard to Colonel Bower's corps, he thought it was of the greatest possible moment to utilize all classes of our population for military purposes. In the Yeomanry, there were men who would not be procured for military service, excepting in such a Force; and in Colonel Bower's corps there were good sportsmen and good men to hounds, all mounted on horses far superior to anything you could get elsewhere, who would not join the Yeomanry. There were many occasions on which such a Force would be extremely valuable, and at the recent Manœuvres Colonel Bower had rendered him (General Shute) excellent service. He must say he was rather disappointed at the reason which his right hon. Friend the Secretary of State for War gave the other evening for not employing Colonel Bower in consequence of his age, which was 67. He thought age was one of the very worst tests. Some men were older at 35 than others at 65. Colonel Bower's chief complaint, as stated in an official letter, a copy of which he now held in his hand, was that officers had frequently

Mr. Carpenter-Garnier

been sent to inspect him who could not follow him and his corps across the country. He thought when they got rid of an officer because he was 67 years of age, they ought certainly to get rid of those who could not follow him, or his corps across the country. He hoped his right hon. Friend would think the matter over again, for Colonel Bower's services had been most valuable. He did not mean to say that the system would ever be the least valuable as regarded the regular Cavalry, but it would be most valuable as regarded small corps, as one such might in emergency be raised in each one of our hunting counties composed of the sons of noblemen, and country gentlemen on their own good hunters.

SIR HENRY HAVELOCK considered that here, as in many other matters, the Volunteer Force were far ahead of the military authorities. He regretted that it too often happened that the claims of men like Colonel Bower were overlooked through jealousy and other unworthy motives. He supposed there had been some technical reason which prevented Colonel Bower being continued in command; but this he must say, that his services had been most valuable to the Volunteers of the country. If ever there was a case which called for exceptional treatment, this was one, and he therefore trusted his right hon. Friend the Secretary of State for War would so regard it. The Force had been in existence since 1859, and had been framed after a model which had been originated during the Indian Mutiny. Great advantage would be derived from arming the Cavalry with long-range rifles, instead of rifled carbines. The Americans during the Civil War had discovered that Cavalry unarmed with long-range rifles were liable to be driven out of the field before Infantry, and General Sherman had adopted the manoeuvre with remarkable results. In Russia the principle had also been recognized and introduced, and the advantage of it had been already felt during the present war on the Danube. The capture of the bridge at Ibraila was entirely due to the use of a force of Cossacks armed with long-range rifles. Our military authorities had partly adopted the principle, but they had left out the most essential part of it. He hoped the right hon. Gentleman would carefully look into the case.

ARMY—MILITIA SURGEONS—ROYAL WARRANT, 1870.—OBSERVATIONS.

MR. LYON PLAYFAIR, in rising to draw attention to the position of the Militia Surgeons under the Royal Warrant and Instructions of July 1870, said: Sir, in drawing the attention of the House to the results of recent Army reforms on the Militia surgeons, a few remarks will be sufficient. Formerly they held their position under various Acts which regulated their duties, allowances, and pensions. Their mere regimental pay during training was the least part of their remuneration. They had to inspect recruits both for the Line and Militia, they attended on the Staff, and examined the pensioners both for the Army and Admiralty. Of course, it was only in certain localities that Militia surgeons had all these additional duties imposed upon them, and their pay varied according to the extent of their public duties. Among the Militia surgeons were a few earning £300 a-year; there were 12 earning between £250 and £300; 50 earned between £200 and £250; and most of the remainder received annual sums from £100 to £200. When the new military reform, which established Depot Centres, came into operation, many of the duties performed by Militia surgeons were transferred to Army surgeons. The effect of these changes was, however, to be partly compensated by the improved pay. The pay during training had been gradually raised to 17s. 6d. a-day, and by the new Warrant it was made £1 a-day. During the period of 27 days' training, the pay was thus augmented by £3 7s. 6d. a-year; but the loss of pay, owing to the transference of duties, was from £200 to £250 a-year. It is not an arithmetical puzzle to see that a gain of, say, £4 a-year is no compensation for a loss of £200 a-year. The Militia surgeons had their duties taken away from them, not at their own desire, though it may have been, and probably was, for the benefit of the Public Service that this change should be made. But it is a common rule of equity that if private interests are to be sacrificed for public good, compensation should be given. It was deemed expedient to get rid of Militia adjutants; but those who resigned were pensioned. In the Civil Service it is the same. We do not

reduce even clerkships in a Department without some compensation to the holder. This was so obviously just, that Lord Cardwell promised in April and June of 1872 full consideration for instances of individual hardship; and on the 6th July, 1874, and on the 2nd June, 1875, the present Secretary of State for War (Mr. Hardy) again promised to consider each case according to its merits. This was a just promise. Some of the regiments are not affected by the new Regulations from not being near a Brigade Depot; and when they are, the cases of hardships vary so much that they could not be dealt with *en bloc*, and therefore individual examination was right and proper. The Militia surgeons, relying on those promises, have sent in their cases to the War Office; but every one has been refused any redress or compensation. At a deputation to the Secretary of State for War, on the 23rd April, he absolutely refused consideration to the Militia surgeons' case; first, because he had no power to deal with it; and second, because they asked pay for duties which they were not performing. But it was not their fault that they were not performing these duties. They were both able and willing to do so. Now, their grievance lies in this—the Militia surgeons could not combine their military duties with an efficient attention to practice. They were liable under the old Acts to serve where their regiments were embodied, and they were embodied both in the Crimean War and Indian Mutiny. Under their old rules they might and were frequently absent from private practice; but they were fairly paid for their public duties and were satisfied to perform them. But now the case is entirely different. Instead of emoluments of from £200 to £300 a-year, you ask them to act for 27 days at £1 a-day. This amount would scarcely suffice to pay an assistant while they were engaged in military duty. To old men who have sacrificed private practice for Militia duty, it is absolute ruin to be suddenly deprived of their former duties and emoluments without compensation. The State cannot have contemplated this when it made the changes. I presume and admit that the changes are right, but I ask that, as in all similar cases, public interests should not be procured by the sacrifice of private interests,

Mr. Lyon Playfair

but that these should receive a fair compensation for the injury inflicted.

EARL PERCY rejoiced that the subject had been brought before the House, and expressed a hope that, if necessary, the right hon. Gentleman opposite (Mr. Lyon Playfair) would press the question to a division. He was certain that the Militia surgeons had lost by the changes which the right hon. Gentleman the Secretary of State for War had introduced, by which the responsibility of passing recruits and other duties had been taken from them. He was also certain that it had been a detriment to the Force to appoint a man a Militia surgeon only during the time when the regiment was in training. He should support the appeal that had been made for compensation to this class of deserving officers.

COLONEL MURE thought it most important that all recruits, whether for the Militia or the Army, should be examined by surgeons of the Regular Army; for no man with civilian practice had had sufficient experience in passing men for either Service, but that he might be deceived. The Militia surgeons were very excellent men; but, in very many cases, they wanted the experience of the surgeons of the Regular Army. With regard to recruiting that was essentially necessary. The Regular Army surgeon was the man best suited to pass men into the Army.

SIR EDWARD COLEBROOKE said, he would not attempt to discuss the expediency of the changes which had been made; but the question brought forward by his right hon. Friend (Mr. Lyon Playfair) was, whether, in carrying out the present scheme, they were not dealing harshly with Militia surgeons who had entered the Service prior to those changes. In his opinion they were dealing harshly, for the old Militia surgeons could not fall back on any private practice. The question for the House was whether, after a certain amount of service, a Militia surgeon could obtain some compensation, and whether it was to be given by the State or by an exceptional grant in each case; his own feeling was in favour of the latter suggestion. At all events, this was a subject which fairly deserved consideration.

MR. CHILDERS said, that it was hardly fair for the House to discuss then the Regulation made in 1873. He believed it would be very desirable to

revert to the former system of the examination of recruits for the Militia by Militia surgeons, especially in agricultural districts. He trusted that in future every case would be dealt with on its own merits; for in the case of old Militia surgeons there were undoubtedly great hardships, while with the younger Militia surgeons there was no hardship at all. Treated in that way a very moderate sum of money would be required to give satisfaction to these gentlemen. Some of the older men had been deprived of three-fourths of their pay, and he hoped the right hon. Gentleman opposite (Mr. Hardy) would comply with the request of his right hon. Friend (Mr. Lyon Playfair).

Mr. MITCHELL HENRY said, this was a simple question of justice. A new system had been inaugurated, in effecting which he considered that the claims of these Militia surgeons, many of whom had been long in the Service, had not been justly or equitably considered. The House of Commons ought not to be satisfied with anything less than a promise from the Secretary of State for War that he would endeavour to obtain from the Treasury proper compensation for those officers. Should he do so, no doubt he would succeed. Compensation was always given in cases of interference with legal officers, and there was no reason why it should not be given in this case.

ARMY—MEDICAL DEPARTMENT.

OBSERVATIONS.

Dr. LUSH rose to call attention to the condition of the Medical Department of the Army, many of whose members, he urged, were dissatisfied with the present Regulations. A few years ago the same complaint arose from the Medical department of the Sister Service, where there was a chronic state of discontent. But the Naval authorities put their shoulders to the wheel, and now they never heard one word of open discontent amongst the Naval surgeons. Under our new system of military tactics, it was necessary to move large bodies of troops with celerity, and it was only by the skilled and anxious supervision of the Army Medical department that they could be kept in fighting health, whether on rapid marches, or in the trenches. The number of officers in

that department had been gradually diminishing since the year 1869. In 1871-2, when the effective strength of the Army was 132,000, there were 613 medical officers. In 1877-8, when the numerical strength of the British Army was 131,000 of all ranks, the number of medical officers had fallen to 531. In 1868-9, in the whole of the British Army, there were 43 administrative and 1,039 executive medical officers. In 1877 the administrative medical officers were 42 and the executive 870. That he regarded as very unsatisfactory. If the British Army was to be maintained in efficiency, the Medical department ought not to bear such a reduction as that which had taken place. The regulations with respect to the Veterinary department were also, he understood, in an unsatisfactory state. The right hon. Gentleman opposite (Mr. Hardy) had expressed his surprise that at a time when a number of medical appointments were to be given away, comparatively few candidates applied for them, and said it seemed to him to be discouraging. The clear inference from that was that the right hon. Gentleman had not made the inducements sufficiently attractive for medical men to enter the Services. It might be said that the grievances complained of were not of a serious character, but some of them were of a serious character, and they all tended to render the Service generally less popular than it might otherwise be. The right hon. Gentleman issued a Circular last year in which he did endeavour somewhat to remedy the evils complained of with respect to promotion and retirement, by paying off those gentlemen who were not efficient, thus retaining the best men in the Service; and if the effort had proved successful, some of the complaints might have been removed; but it appeared that it had not been successful, being only a limited and partial remedy, and that the complaints of those who were in the Service were such as to deter men from entering it. In Ireland the examining and teaching authorities had in consequence expressly discouraged their pupils from entering the Army Medical Service. Now, that was a very serious thing. It might be said also that the grievances in question were of a sentimental rather than of a practical nature; but even so far as they might

be called sentimental, they were not of a character to be overlooked, and some of them were really practical grievances. One thing of which they complained was the shifting and arbitrary character of their appointments, which placed them in a much less favourable position in many respects as compared with combatant officers of the Army. They were frequently shifted from one regiment to another, had to purchase horses for short service, and suffered losses for which they received no compensation. Another ground of complaint had reference to the matter of leave. They were not in the same favourable position with respect to leave as the combatant officers, who, under the Regulations, could obtain 61 days' leave of absence unconditionally, whereas medical officers had to pay for substitutes during their absence. They were at a great disadvantage also with regard to position when compared with the combatant officers, the medical officer becoming junior in the rank to which he belonged. These things tended to produce an uncomfortable feeling among the medical officers in the Army. Then there was a more important matter with regard to the right of exchange. The War Office, it had been said, proceeded in that matter upon the principle of dealing with each case on its merits as it arose, but the system did not appear to work well. One disadvantage in regard to exchanges was that whereas the combatant officer after three years' residence in England on leave from India was readily granted an exchange on applying for it, the medical officer's application was refused, and after his three years in England he was sent back to India peremptorily. That was a matter which affected the Army medical officers seriously; and there was nothing in their position which appeared to justify such a distinction, as compared with the case of the combatant officers. Another complaint on the part of the medical officer was that, by the rules of the Service, whatever outfit he might have, he was compelled, when attached to any branch of the Service, to purchase at his own expense a case of instruments he did not want. That was not, perhaps, a great grievance in itself, but it added one more straw to the weight which pressed on the medical officers of the Army. Instances could easily be cited to show that there was a

good deal of oppressive injustice in the way in which they were dealt with, and a good deal of indifference as to their claims which ought not to exist. With regard to one of their grounds of complaint, the case might be mentioned of a surgeon-major who entered 28 years ago into the old Ordnance department, who was a man of eminent ability and might have risen to some important position in his own department, but who, although he had served in the Crimea and elsewhere abroad, was excluded from promotion by the arbitrary rule which prevented a man joining the Ordnance department rising above the rank of surgeon-major, unless he had served for a certain time in India. The same feeling of injustice existed among the Army medical officers in India as prevailed amongst those at home; and the effect generally of the administration of the War Office with respect to that Service was prejudicial and injurious. There was a feeling amongst the officers of that Service that their claims did not meet with the recognition and attention which they had a right to assume was due to them. If that was the opinion of the House, he trusted they would support him on behalf of those men who were members of an honourable Profession, and who were always ready to do their duty, even in spite of this systematic withholding and invasion of their rights by the War Office. The importance of the Medical Staff of the Army was such that no statesman or patriot could wisely overlook their claims. There might be occasions when the want of a thorough Medical Staff would convert what might otherwise be success into irremediable disaster. Another matter of which these officers had reason to complain was the niggardly way in which honours, such as were conferred on combatant men for distinguished services, were distributed to them. And in that, as in other matters, he trusted that their claims would receive proper recognition.

COLONEL NORTH regretted that there was now great difficulty in obtaining candidates for the vacancies in the Army Medical department, which young medical men were solicited to enter. In the last Army Appropriation Account some observations were made by the Auditor General which showed the present condition of our Army Medical de-

partment. They first showed that the number of medical officers was below the efficient strength; and next, that owing to the falling off in the number of those officers, the employment of private medical practitioners became necessary. The Returns on the Table of the House too stated that, though the number of the Army had been increased, the number of medical officers had from time to time been reduced. They were now almost on the brink of war. It was impossible to know whether we might not be sending troops abroad in the course of a very few weeks, and he asked was that a time to have the medical Staff below its full strength? Surely, it was not. He moved for Returns, and he found that the whole medical system of the Army had been changed. It was of the greatest consequence to the men that they should have their regimental medical officers, who were known to them, and in whom they had confidence, to attend to them. In private life men did not change their medical men, whom they knew, and in whom they had confidence every week, and yet instead of having medical officers attached to regiments as of old, they were subject to be changed under the new system. Only the other day he heard of a medical officer being attached to a regiment for a particular march. He had read, too, in a newspaper of a medical officer being placed in charge of a regiment for the voyage to the Cape, where he handed over his charge and returned home. He thought it a serious thing that medical officers going out on these responsible duties in charge of troops, perhaps, with serious cases under treatment—cases in which they might feel deep interest—should, on arrival at their destination, find that their duties ceased, and that they would have to transfer their patients to other medical men. A case had come to his knowledge of an officer in Ireland having been attended in an illness by five different medical officers, and at last employing a civil medical man. In his day no men used to be more welcomed than the medical officers of a regiment. They were the private friends of many of the officers, and the friend of every man in the regiment, and were always treated with respect and attention. At present, however, there were no medical officers who did not find fault with the present treatment of that

department by the War Office. He had heard a remark made in 1856, that "the reputation of the Army was at stake, and in any change they ought to have what would command the assent of the great body of the Profession." Now this had not the assent of the great body of the Profession, and they must all feel that the Medical Service was one which ought to be in the best possible condition of order.

MR. GATHORNE HARDY said, it would almost seem from the speeches which had been made, that previous to the time when the recent changes had been made in the Medical department, there had been no grievances, and that there had been no demand for changes. His Predecessors, however, could have told a very different story. So far from that being the case, from the year 1858, when the Warrant was issued, on which they relied, medical officers continually asked more and more, until in 1873 another Warrant was issued. They came to him in 1874 and presented their grievances, every one of which had been met, and yet that evening the hon. Member for Salisbury (Dr. Lush) had put forth new grievances, some of which seemed to him to be wholly unworthy of a great Profession. His (Mr. Gathorne Hardy's) great desire had been to put the Medical department of the Army on a footing satisfactory to themselves; but in this, as in every other Service, there always would be discontents. The agitation in this case might be traced to one or two individuals. There had been a surgeon-major or surgeon in London who had, he believed, spent his whole time in dissuading young men from joining the Service. He trusted, however, that the Medical department would hold its own, and that these complaints would pass away. Allusion had been made to the system of three years' service in India. That was rendered necessary by the exigencies of climate, and the Indian Government would not take any one for an administrative Department who had not served three years there. If an officer had not complied with this rule, he had brought this bar upon himself, and was sent out to fill up the number of months or years which made up his term. It was, no doubt, a War Office rule; but it was rendered necessary by the rule of the Indian Government. His hon. and gallant Friend (Colonel

North) had gone back to the regimental system; but it had practically passed away by the Warrant of 1873, which was before his (Mr. Hardy's) period of office. With regard to the unification system, the hon. Member for Salisbury did not take exception to it, when it was brought forward, but the reverse, and the higher classes of the Department were uniformly in favour of that system. In time of war, the War Office was driven into the unification system. It could not be resisted, because you could not get on with regimental hospitals, and were obliged to have general hospitals. Having that day consulted the Director General of the Army Medical department, he had been assured that we had never gone to war with a medical system organized upon so good a footing as that which now existed, and that it could be put into the field and brought into operation at a moment's notice. If the Director General were deceiving him (Mr. Hardy) on that point, upon him or those who instructed him the blame must rest. He was steadily working to this end—that when the medical system was put in action in the field, it should be able to do the work and answer the purpose for which it was designed, so that all might fall into their places in time of war. With regard to the orderlies, they had been substituted for medical men at the instance of the medical officers themselves. The latter said they were not meant to take charge of certain matters belonging to the hospitals, and it was to relieve them of these medical duties that the medical orderlies had been introduced. He quite admitted that there had not been so large a number of applications to enter the medical Service as could have been desired; but there was not that number of vacancies which might have been supposed. In 1877-8 the department nominally consisted of 885 medical officers; its actual effective strength was 842, so that there were only 43 vacancies. There were, however, 17 candidates at Netley almost ready to join, which reduced the number of vacancies to 26. For these vacancies there would be an examination in August. There had been 80 applications for the Schedule of Instructions, and these persons might enter for competition when the time came. The hon. Member for Salisbury had used some

language hardly, he thought, as he had spoken of the "sion of the rights of the War Office." O as to medical honours, he believed that these were obtained a larger number of honours than they were to? The reason why no more honours were absorbed them already, the department was advised to question by medical officers. The Medical Profession in the War Office was crushed it was under the Medical department. The hon. Member for Salisbury gentleman had the impression that the Medical Profession at home were men who had succeeded in the department had been better than to give it a high position, and, therefore, while increased pay and rank were said nothing about pay of that, but the hon. Member said they had received no promotion. But they had the opportunity of pressing those who had been at the front. The assistant surgeon with increased pay of 12 years' standing was a surgeon-major with no compensation, except a lump sum paid down of these officers? The hon. Member said compensation when they were promoted to a higher position to which they were entitled after a long service. The War Office was to encourage a system, and if a medical officer received forage, but it was a wrong system to be directly by means of a salary were to be paid, let it be directly, and not by a forage. As to let that arrangements could be made for granting medical officers the same way as other officers. It was an enormous addition to the list. They could not suppose they could those of other officers. He had done his best to get more officers for medical officers, and the great number had been pressed up

Mr. Gathorne Hardy

the demand now made for instruments was altogether new. There was now a strict roster by which men took their share of foreign service; and though he should be glad to meet the demand for exchanges if he could, he did not see how it was possible under the unification system. Was it fair that the new system, in the first year of its operation, should be charged with all the difficulties attributed to it? If it were allowed a fair trial, the heads of the departments believed that it would work well, and they said they were prepared to go into the field with it, in firm reliance that it would answer the purposes for which it was designed. With respect to the complaint of the Militia surgeons, they had formerly their pay and certain payments for work done—he might call it piece-work. They were paid for examination of recruits, had allowances for attendance on the permanent Staff and their families, and for the preliminary training. Complaints had been made, however, that attendance on the permanent Staff and at preliminary drill was unremunerative; and, as to the recruits they had examined, the interval between examination and preliminary drill was sometimes so long that when they came up they were found to be unfit for the Service. It was difficult to find fault with those who examined them, for the recruits might have been in a fit condition at the time they were examined; but still the facts led to the inference, that there was on the part of the Militia surgeons less ability to examine properly than was possessed by Army surgeons with greater practice. There was a particular mode of payment under which it did not answer a man's purpose to get more than five recruits in a day, and such anomalies occurred as 68 recruits being brought in at a charge of £166, while 77 were obtained for £7. Under all the circumstances it was thought best to commit the work to Army surgeons. If he were to make application to the Treasury, he did not see on what principle he could propose to give compensation for taking away the work which had been done as piece-work, especially as the ordinary pay and allowances of Militia surgeons had been largely increased, the ordinary pay being now £1 6s. 6d., whereas it was formerly 14s. 4d. a-day. He thought they had done very well. He would

admit they had satisfactorily performed their duties; but when it was said they were taken away from private practice, it must be remembered that a Militia appointment was often an introduction to private practice. He had now to deal with the subject of the Hampshire Yeomanry. He had read some letters in which the system had been very much praised. The officers had spoken favourably of it; but with the greatest possible respect for Colonel Power, who had done admirable work in his time, he could not think it right to make the sacrifice required for the purpose of retaining the services of that officer at the age of 67, and maintaining the Hampshire Mounted Rifles, which had never numbered more than 24 efficient, and were now reduced to 20. He did not think he should be called upon to set up a regiment which had failed, and he must decline to do so. It did not seem to him desirable to have two kinds of Cavalry drill going on at the same time, and he was not prepared to give up that which he thought the better for the worse. He hoped the House would now go into Committee and allow him to take the remaining Army Votes, after more than three and a-half nights of preliminary discussion.

CAPTAIN NOLAN reminded the right hon. Gentleman that the emoluments of Militia surgeons had been derived practically from the allowances which had been abolished. In fact, that abolition amounted to depriving them of a great part of their income. He knew one case in which the allowances amounted to £150 a-year, and it was unjust to take that away from him, while his regular salary was only increased by £40 or £50. As one of those, he might add, who had advocated the claims of the combatant officers to have permission to make exchanges, he thought that it was hard that any surgeon should not be allowed a similar privilege.

SUPERANNUATION ACT AMENDMENT ACT, 1873.—RESOLUTION.

MR. BOORD, in rising to move—

“That it is unjust that Departmental Circulars should be issued in such a form, or so interpreted as practically to repeal or modify the operation of an Act of Parliament; and that it is expedient that those persons who have been debarred from participation in the benefits of ‘The Superannuation Act Amendment Act,

1873,' by the War Office Circulars dated the 29th August and the 17th December 1861, and numbered 709 and 729 respectively, should be restored to the position they would have occupied had such circulars never been issued,"

said, he desired to call attention to the way in which certain persons had been treated in regard to Superannuation. His Motion consisted of two parts—the first dealt with the authority exercised by the War Department through the medium of Circulars; the second, with a specific grievance. In order to save the time of the House he would take the latter first, and he trusted the statement he was about to make would be found to justify the course he had thought it necessary to pursue. The Superannuation Act Amendment Act was passed on the 26th May, 1873, to remedy the inadvertence of the heads of certain Departments, in admitting persons into the Civil Service of the State (between the passing of the Superannuation Act, 1859, and the 4th June, 1870), without a certificate from the Civil Service Commissioners, as required by the Superannuation Act, 1859, such omission being without default on the part of the persons admitted. The Treasury was empowered to re-instate such persons in the position they would have occupied, with respect to superannuation, if such an inadvertence had not occurred. Numerous applications were made and dealt with under this Act; but it afterwards appeared that, "owing to mistakes" on the part of certain officers, there were some names omitted from the lists sent in, and it was necessary to pass another Act in 1876 to provide for them. His case was, that there were still others who were entitled to the benefit of the Act of 1873. There were some 600 men employed in the manufacturing departments—chiefly at Woolwich—whose position was identical with that of the persons mentioned in the Preamble to the Act of 1873. They entered the Service between the dates named, in the full expectation of being entitled to superannuation, but, through no default on their part, without a certificate from the Civil Service Commissioners. They had applied at the proper time to be dealt with under the Act of 1873, and subsequently, on several occasions, but had been refused on three grounds: first, that they were in receipt of the full market rate of wages; se-

condly, that they had not passed the Civil Service examination; and thirdly, that they were excluded by the decision announced in two Circulars issued in August and December, 1861. Now, by an Act passed in 1834, provision was made for granting superannuation to those who submitted to a specific abatement from their wages; but in 1857, this system of abatements was abolished by Act of Parliament, and consequently rendered illegal, and in 1859 the Superannuation Act was passed to extend the system of superannuation to all classes of the Civil Service, and regulate it on a just and intelligible principle. Therefore, when it was proposed, as was the case in the Circulars he complained of, not to grant superannuation to those who were in receipt of the full market rate of wages, but only to those who submitted to an abatement, he contended that such a course was in direct violation of the Act of 1857, and contrary to the spirit of the Act of 1859. The second objection—that they had not passed the Civil Service examination—was untenable, for the Act of 1873 was specially passed to meet the case; and the third—the decision of the Circulars—was equally invalid, for they merely announced the intention of the Department to grant superannuation only to those who submitted to an abatement of wages—a point he had already dealt with. The second Circular defined the "full market rate of wages" to be that at which men were found to be willing to engage themselves; but that was absurd, because no alternative rate was ever offered to the men. He admitted that the case would be different, if the men on whose behalf he pleaded had entered the Service with a knowledge of the existence of these Circulars; but that was not the case, the first they heard of them was in 1870. They entered in the full expectation of being entitled to superannuation, as their predecessors were, and without the slightest knowledge that any question could arise on the point. He had no doubt his right hon. Friend would tell him that the Circulars had been published in the usual manner in the Department at the time of their issue; but he had made the most careful inquiries, and had failed to elicit from any one the slightest knowledge of such publication, and he maintained that the individual assurances of 600 men were

Mr. Beord

entitled to respect as against the memory of a few officials as to what had occurred 17 years ago, especially as it had been already necessary to pass two Acts of Parliament to remedy their "inadvertence" and "mistakes." The publication of the Circulars was a matter of vital importance to the men, whilst it was of no moment to their officers. The expense could not be pleaded as a reason why justice should not be done; but, even if that were an element in the case, it would hardly deserve consideration, for he had been informed that only about 24 per cent of the men would remain long enough in the Service—or live long enough—to become entitled to superannuation, so that, at the most, it was probably only a question of £700 or £800 per annum for a few years. With regard to the first part of the Motion, he contended that he had shown, first, that the Circulars had practically had the effect of repealing the Act of 1857, which abolished abatements of wages; and, secondly, that they had been employed to modify the operation of the Act of 1873, so as to exclude a number of men who were clearly entitled to the benefits it was intended to confer. The hon. Gentleman concluded by moving the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is unjust that Departmental Circulars should be issued in such a form, or so interpreted as practically to repeal or modify the operation of an Act of Parliament; and that it is expedient that those persons who have been debarred from participation in the benefits of 'The Superannuation Act Amendment Act, 1873,' by the War Office Circulars dated the 29th August and the 17th December 1861, and numbered 709 and 729 respectively, should be restored to the position they would have occupied had such circulars never been issued,"—
(*Mr. Boord*.)

—instead thereof.

MR. GATHORNE HARDY said, his hon. Friend must feel some satisfaction in observing that on this interesting occasion, his right hon. Colleague (Mr. Gladstone) was not in his place, and that the working men of Greenwich and Woolwich committed their interests solely to his care. If justice demanded the payment of this sum, he (Mr. Hardy) would be the last man in the House to oppose it; but he disputed the principle on which his hon. Friend based

this claim from beginning to end. The hon. Member laid it down that because of a certain Act passed in 1873, the Department was not able to employ men without giving them superannuation allowances.

MR. BOORD said, that what he contended was, that it was not competent for the Department to make contracts contrary to the Act of 1857, by which abatements in wages, with a view to superannuation, were rendered illegal.

MR. GATHORNE HARDY: Just so; but the Act of Parliament did not prevent the Department from making contracts outside its provisions. The case was a short and clear one. In 1859 it was laid down that those workmen who had not Civil Service certificates should not have superannuation, and the Act of 1869 confirmed that. The first Army Circular said that no person should be entitled to superannuation who was receiving the full market value of his labour, and the second Circular defined that to be the ordinary rate of wages. In 1873 an Act was passed relating to the Post Office, where it was admitted that certain persons had been employed inadvertently without reference to this arrangement; but, in the War Office, there was no inadvertence at all. Some men were employed who, it was alleged, did not know of the Regulation; but they were paid the full market rate of wages, and, therefore, were not entitled to superannuation. He could not understand that they did not know what the Regulations were; at any rate, full notice was given, perfectly clear, and open to everybody, and, therefore, no injustice had been done to those men whose case had been brought before the House. That was, in a word, the answer to the Resolution, to which he was sure the House would not agree.

MR. CAMPBELL - BANNERMAN said, that the policy of the Office had been not to take workmen whom they were bound to superannuate after a certain term of service. It was thought better to employ men as necessity required. The Act which had been referred to was passed for the benefit of a particular class of men, and those only; that was fully known at the time, and the other men did not claim to be treated in the same way. The Army Circulars were issued giving full notice to all the men employed, and therefore he hoped that

the House would not agree to undo what had been done.

GENERAL SIR GEORGE BALFOUR said, that having, whilst serving in the War Office, carefully inquired into the remuneration given to the workmen employed in the manufactures of Woolwich Arsenal, he might be allowed to contend that the War Office had acted liberally in fixing the rates of wages of the workmen, and although he had been employed on a Committee in the several factories, yet he had not heard a complaint put forward on behalf of these men. The charge made in 1859, by which the workmen of these important factories were paid daily rates of wage equal to the market rates, without any claim to pension, might have been challenged at that date as an objectionable measure; but seeing that all men employed since 1859 had received the very wage of the market, it would not be fair to the country to restore to them the claim to pension which that very payment was intended to withdraw. No doubt some of the workmen, formerly receiving rates of wage fixed per hour, had by long service been advanced to positions which entitled them to fixed weekly or monthly rates of wage, and by good service and experience deserved such of the State, and he would suggest that some of the best of these men should be placed on the establishment for pensions; but it would be a dangerous thing to interfere with a system which had been in force for 17 years without complaint. He hoped the hon. Gentleman would not press the Amendment.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £27,500, Administration of Military Law.

SIR COLMAN O'LOGHLEN said, that the state of our Military Law at this moment was a disgrace in a great degree to the administration of justice, and to the many Governments which

had allowed it to remain in its present position, and was almost a discredit to our Representative institutions. As far back as 20 years ago, Mr. Denison, who was then in the Judge Advocate General's department, called the attention of the Under Secretary of State, the present Marquess of Ripon, to the subject, and suggested that he should be authorized to prepare a code. The Under Secretary brought the matter before Mr. Sidney Herbert, who was then Secretary of State for War, and Mr. Sidney Herbert wrote a Minute, dated July, 1859, in which he said he could not undertake to say that it would be possible to legislate on the subject next Session, but it must be done at an opportune time. Nothing was done at that time; but 10 years afterwards, in 1868, the Government of Lord Derby took the matter in hand, and issued a Royal Commission to inquire in what respects the administration of Military Law might be amended, particularly with reference to the constitution and practice of courts martial. That Royal Commission was one of great weight; it consisted of 11 Members, among whom were Colonel Wilson-Patten, now Lord Winmarleigh, Lord Eversley, Lord Hartington, two Gentlemen who had been Judge Advocates General, the Recorder, Mr. Vivian, and four general officers—General Peel, Sir Alfred Horsford, the late Lieutenant General Scarlett, and General Eyre, and it reported in 1869. Some of the recommendations of that Commission with respect to the punishment for drunkenness and other matters were adopted, not by statute, but by regulation; but, up to the present time, their material recommendations had remained a dead letter. The Commissioners, in their Report, said that the Military Law was in the most complicated state, and they quoted the evidence of Mr. Headlam, who had been Judge Advocate General, that the Mutiny Act was confused, and contained provisions, many of which were obsolete and many unnecessary. They also quoted the evidence of the right hon. Gentleman (Mr. Mowbray), who had been twice Judge Advocate General, to the effect that the law was confused, uncertain, and conflicting; that it was perplexing to lawyers, and must be perplexing to military men. His Royal Highness the Commander-in-Chief also bore testimony to the evil

Mr. Campbell-Bannerman

arising from the frequent assembling of courts martial, and stated that, in his view, the law ought to be much more clear and more simple. Accordingly, the Commission reported that the simplification of Military Law ought to receive the immediate attention of Her Majesty's Government. From that time to the present no change had been made, and the recommendations of the Commissioners had fallen entirely to the ground. When he (Sir Colman O'Loughlen) held the office of Judge Advocate General, under the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), he drew the attention of the Government to this matter, and felt it to be his duty to prepare certain Bills to amend the law; but the great subjects of the disestablishment of the Irish Church, the Land Question, and Abolition of Purchase in the Army, which the Government then had in hand, prevented them dealing with the question of military reform. Since the present Government came into office, although unwilling to press them to take up the question before they had got thoroughly settled into their position, yet he had questioned them every Session whether they intended to deal with the subject. This Session the Judge Advocate General stated that he was most anxious, and intended to do so next Session. Now, he was most anxious to ascertain what were the views of the Government with regard to Military Law. What did they propose to do next Session? He thought the proper course would be this—At present it was necessary to pass the Mutiny Act in April. He would introduce only a temporary Mutiny Act for next year, and at the same time bring in a Bill relating to Military Law, which should be referred to a Select Committee. On what principle should the new military code be framed? Should the Mutiny Act and the Articles of War be retained, or should there be a permanent code regulating the discipline of the Army? He was entirely opposed to a permanent code. He thought the old system of the Mutiny Act and the Articles of War should be retained; but there were many points to be considered, and he would suggest that the Mutiny Act should define clearly who were the persons to be subjected to its discipline, what were the nature of the crimes to be subjected to punishment, and lastly, the

manner in which that punishment should be administered. The Mutiny Act and the Articles of War contained a great deal that might be put in the Queen's Regulations, or in an Army Service Act, to be renewed every five years. The Mutiny Act, however, should be an annual Act. It was 180 years since the Mutiny Act was first introduced, and it had always remained an annual Act. It represented, as it were, the popular feeling in the House of Commons more than any other Act, and in that respect there was an advantage in its being an annual Act. The Mutiny Act should deal with the Army in time of peace; and, in time of war, the Queen should be authorized to issue a new code to deal with armies in the field. With reference to courts martial, the present system certainly worked well, considering the great objections which had been raised to parts of it. It generally did justice between the parties; at the same time, there was great complication in it, and the Royal Commission had reported in favour of its amendment. He was rather in favour of retaining the three kinds of courts martial—general, district, and regimental. The question, however, was a very serious one, as it appeared from a Return laid on the Table on Saturday that the number of courts martial held in the last three years amounted to no fewer than 40,273. One question which arose was as to the president of courts martial. He thought military Judge Advocates should be the permanent presidents. There were now only three district Judge Advocates, and he thought that number ought to be increased. Then, as regarded the taking of evidence, instead of having the questions put in writing, he would have *viva voce* examinations, and question and answer taken down by shorthand writers. The expense need not be great, as shorthand could be taught in the schools of each garrison. He would also retain, and, in some respects, enlarge the scope and powers of Courts of Inquiry. With respect to the power of re-assembling a court martial, it ought to be allowed in case a mistake had been committed, but never with a view to increase a sentence already pronounced—a thing which was repugnant to British law. The subject of the abolition of the office of Judge Advocate General had more than once been debated; but, speaking from ex-

perience, he was wholly opposed to such a step. The appointment to the office ought not to be permanent; but it ought to be represented by a Member of the Government in that House, and be held by a civilian, and not by a military man. One other question had been raised—namely, whether the Judge Advocate should have power to quash the finding of a court martial. For his part, he did not doubt that such power should exist. It was not the Judge Advocate who quashed the finding; it was Her Majesty, for he acted in Her Majesty's name. He did not wish to prevent his right hon. Friend taking Supply; but he thought the question was deserving of notice, and hoped that the matter might be taken in hand by the Government next Session, and be fully inquired into by a Select Committee.

SIR ALEXANDER GORDON joined in the hope expressed by the right hon. and learned Baronet the Member for Clare, that the Government would next Session appoint a Select Committee to inquire into the matter, and thus let the Army know that both they and the House of Commons took an interest in what so nearly concerned them. He also trusted that a Bill on the subject would be brought forward next Session.

MR. WHALLEY wished that the right hon. Gentleman would give his attention to the subject, as he was of opinion that a standing Army was a mistake and a nuisance. What was required was a return to the old Militia system. They should do everything in their power to prevent the people from thinking that if a man entered the Army he abandoned all the rights and privileges of an Englishman. If they wished to make the Army really popular, that was the only way to do so.

MR. HAYTER said, he had always been surprised, and regretted the fact, that some of the recommendations of the Royal Commissioners had been treated with neglect by successive Governments. Their recommendation in regard to fines being instituted for drunkenness had, indeed, been adopted; and extremely good results to the Army at large had followed, for the number of trials for drunkenness had decreased from 3,900 in 1869 to 2,500 in 1875. He would ask his right hon. Friend the Member for Whitehaven to direct his attention particularly to two other re-

commendations made by the Commissioners, with a view to their adoption. One was to the effect that cases of embezzlement should be tried by the ordinary criminal Courts, and the other was that the power of commanding officers, so far as regarded imprisonment, should be enlarged from seven to 21 days. Many of the trivial offences for which men were now tried by regimental courts martial might then be disposed of by the commanding officers. The hon. Gentleman, in conclusion, pointed out a difference between Clause 10 of the Mutiny Act and one of the Articles of War, and expressed a hope that this discrepancy would be removed.

COLONEL ALEXANDER said, the House ought to be thankful to the right hon. and learned Member for Clare for having brought that important question before it, and he trusted that the Government would take some action in the matter. He agreed that the Articles of War were in a confused and complicated state. He was glad the right hon. and learned Baronet agreed that courts martial as a rule possessed the confidence of the Army. Seeing how well they were spoken of, he should only be too glad to see their procedure in some points improved. They ought not to be re-assembled for the purpose of increasing sentences; and with regard to the suggested extension of the powers of the commanding officers, he could see no reason why, in simple cases, their power should not be increased up to 21 days' imprisonment, especially as there would still be an appeal to a court martial. It was absurd that hon. Members should have the power of revising the Mutiny Act every year in that House, while the Articles of War were entirely withdrawn from their consideration. He would suggest that both should be subject to the discussion of the House.

MR. CAMPBELL - BANNERMAN thought so serious a task as his right hon. and learned Friend the Member for Clare had undertaken ought not to be commenced at so late a period of the Session. Animadversions had been made on the circumstance that so many years had elapsed since the Report of the Royal Commission, and it was further said that the late Government had neglected their recommendations. But at that time his right hon. and learned Friend was himself in office, and be-

Sir Colman O'Loghlen

stowed considerable pains on the subject. His right hon. and learned Friend was succeeded by Mr. Davidson, one of the best lawyers who had of late years had a seat in that House, and who was engaged in the amendment of the Mutiny Act at the very moment of his death, the papers being in his hand when he was found dead in his bed. Indeed, the late Government had advanced so far in the preparation of a Military Code, that Mr. Ayrton was prepared to lay a Bill upon the subject on the Table upon the first day of the Session of 1874, but circumstances prevented that being done. There had been no culpable or wilful neglect in the matter; but the question was one of such great difficulty, delicacy, and importance, that it was easy to say that it ought to be dealt with, but not so easy to do it. He thought it would be better that the Government should not take the course which had been suggested to them this Session—namely, that of appointing a Committee of that House to investigate the subject, and lay down the principles on which they ought to go; but that the Government themselves, during the Recess, acting on the advice of those best qualified to assist them, should arrange, either by a Bill, or in some other form, the principles on which they thought legislation should proceed, and then that their proposal should be introduced at the beginning of next Session, and, if necessary, referred to a Select Committee. The question being of great delicacy in a constitutional point of view—both as affecting the rights of the people on the one side, and the Prerogative of the Crown on the other—was precisely one of those subjects which it was least desirable to throw on the Table of a Select Committee, and invite them to suggest what ought to be done. It ought to be dealt with by the responsible Government of the day. But in any case, he hoped that action would be taken in the matter. The Mutiny Act, the Articles of War, and the Queen's Regulations were so contradictory and conflicting that it was really necessary to do something to make them more intelligible, as well as to introduce many of the changes which had been alluded to in that discussion.

CAPTAIN NOLAN hoped, that in the event of any changes being made, the Mutiny Act would continue to be an annual Act, otherwise they would lose what was the chief guarantee for the

liberties of the people next to the right of voting the Supplies. He approved the suggestion that some change should be made in the procedure of courts martial, strongly condemning the cumbersome and unnecessary formalities observed in those tribunals, and particularly the absurd routine of taking down the whole of the evidence in writing. It involved a great waste of time and trouble, and was totally opposed to the practice in civil cases.

MR. GATHORNE HARDY said, he had much pleasure in acknowledging the great knowledge which the right hon. and learned Baronet the Member for Clare had brought to bear upon the subject under consideration. He would admit that the time had come when that matter must undergo some re-consideration. He could not, however, think that the mode suggested by the right hon. and learned Baronet would be the most convenient, because under it there might be a mishap, and the Mutiny Act might expire. The Mutiny Act should, he thought, be passed at the beginning of the next Session, and should continue up to the end of the following Session. In that way, they would have clear time to go into the question. He thought it would also be of great advantage to place before any Committee which should be appointed the principles on which it was proposed to act, or even a detailed Bill. That was what he had in his own mind, and what his right hon. Friend (Mr. Cavendish Bentinck) was preparing to do. That subject had not been lost sight of by the present Government. The War Office was never without work; it had always some very great questions before it which took up much time; and they had also had in that House abundant occupation for hon. Members without going into that matter in a separate Committee. But the time had come when it might fairly be discussed. Therefore, at the beginning of next Session, they could continue the Mutiny Act in the ordinary way till the end of the then next Session; and, in the meantime, a Committee might sit on the recommendations to be submitted by the Government, and go fully and carefully into the question. The right hon. and learned Baronet appeared to have studied the subject well. He had made a very clear statement; and if they had his assistance on the Com-

mittee he had no doubt they would arrive at some conclusion.

GENERAL SIR GEORGE BALFOUR thanked the Secretary of State for War for his statement as to an inquiry into our military law, and urged on him the importance of having their military law, and also the mode of putting it into execution, clearly declared. He also thought that the unnecessary, and, indeed, in many respects, dangerous repetition, and in some instances the erroneous repetition of military obligations in the Articles of War, of the law military as stated in the Mutiny Act, deserved the most serious attention; and he ventured to express a hope that even in the present Session a Select Committee might be appointed.

SIR COLMAN O'LOGHLEN also thanked the right hon. Gentleman for the proposal which he had made which entirely met the object which he (Sir Colman O'Loghlen) had in view. He believed that if the Committee sat in the next Session they would be able to effect a great amendment of the present law.

Vote agreed to.

(2.) £243,300, Medical Establishments and Services.

GENERAL SIR GEORGE BALFOUR expressed a hope that in future a statement would be given as to the number of medical officers in India, as compared with the number in this country and the colonies. The changes of late years in the War Office Estimates in showing the numbers and grades of medical officers had completely vitiated the comparison of the numbers and grades now employed with those of a few years previously. At present the medical officers employed in India were entirely omitted from the Estimates.

DR. CAMERON complained that there were not enough medical men in the Army, and thought that something more should be done to attract candidates. If an Army Corps was required to leave the country with its complement of medical officers, only about 50 medical officers would be left in the country.

MR. GATHORNE HARDY said, that the Medical Director General believed the country was never better provided with a medical Staff than at present, and he was certain that that gentleman would not have made such a statement

without his having good grounds for doing so.

Vote agreed to.

(3.) £534,000, Militia Pay and Allowances.

MR. HAYTER rose to call attention to the small number of Officers, now serving in the Militia, who had received certificates of efficiency, and the difference between the numbers enrolled in certain regiments and their Establishment. The aggregate numbers of all ranks on the Establishment for the United Kingdom was 134,500, of which number only 100,611 were present at inspection. There were wanting to complete the number on the Establishment, 19,002; while the number absent without leave was 11,392, which would leave the Force 30,394 short of its proper strength. From the remainder must also be deducted 30,000 for the Militia Reserve, who were liable to serve in any regiment and for any service, and this would reduce the Force to 73,000 men. Deducting a further number of 5,000 for sick servants, cooks, and batmen, the available Force would be reduced to 68,000. This was a state of things which no one could call satisfactory. Taking a few special instances, he found the 4th Lancashire, having an establishment of 1,200, was 578 deficient at the last training; the 5th Lancashire, with a similar establishment, was 558 deficient; the Nottingham and Rutland, with a strength of 1,400, was 563 deficient; the 2nd Surrey, with a force of 990, was 491 deficient; the Cornwall Rangers, with a force of 800, was 442 deficient; the 2nd Middlesex, with a force of 1,050, was 421 deficient; and the Aberdeen, with a force of 741, was 423 deficient; the seven regiments being short by 3,476, or, on the average, of nearly 500 each. The proportion of officers was largely in excess of that of the men, there being present at the inspection of the Cornwall Rangers, 20 officers to 323 men, or one officer to every 16 men; in the 4th Lancashire, 29 officers to 513 men, or one officer to 18 men; and in the Aberdeen, 21 officers to 301 men, or one officer to 15 men. It was, in his opinion, very unsatisfactory that such a large Staff of officers should be kept up, while it was found impossible to get their Militia regiments up to the Establishment. The right

Mr. Gathorne Hardy

hon. Gentleman had, he believed, taken some steps to improve the state of affairs by inducing men by an offer of increased bounty to re-enrol themselves; but one defect in this scheme was that no limit had been put to the number of times a man might be re-enrolled. He would like to know if, apart from what he had just mentioned, any steps had been taken to increase the Establishment of the Militia. He quite agreed with the suggestion, which he believed emanated from His Royal Highness the Commander-in-Chief, that the Militia should undergo their month's training in the ranks of the Line, and this, he felt sure, would have a very great effect on the efficiency of the men. He wished also to call attention to the fact that out of 2,552 officers of the Militia only 558, or 25 per cent, had received certificates of proficiency; while in the Volunteers, they had been obtained by 75 per cent of the officers. It was to be noticed, however, that in Militia regiments there was an inspection on each grade of promotion. The evidence of His Royal Highness the Commander-in-Chief showed that he laid great stress upon the superior utility of large schools of instruction as compared with schools at depôts, and he (Mr. Hayter) had no doubt that the Secretary of State for War would think it important that certificates should be obtained from them. But, as things were, it was plain that either the schools were of no use, or a larger proportion of officers ought to get certificates from them. He felt sure it would greatly benefit the Service if a higher number of officers were compelled to pass through the schools.

SIR ALEXANDER GORDON asked the Secretary of State for War to give the Committee some information as to the intentions of the Government with regard to the numerical titles of Line regiments.

THE CHAIRMAN ruled that the hon. and gallant Member was out of Order in discussing that point upon a Vote for the Militia.

SIR ALEXANDER GORDON said, he thought that, as the Report of the Militia Committee was on the Table, and it dealt with the amalgamation of the Militia with the Line, that he was in Order.

THE CHAIRMAN said, the hon. and gallant Member could raise any ques-

tion as to the organization of the Militia, but not as to the Army on that particular Vote.

SIR ALEXANDER GORDON said, in that case, he would be satisfied with making a few remarks, and he would simply ask the Secretary of State for War, if he would inform the Committee whether it was the intention of the Government to amalgamate the Militia with the Line in one regiment, in accordance with the recommendations of the Militia Committee. He asked that question, because the answer given by the hon. Gentleman the Financial Secretary on a former occasion did not contain that information; and in any answer which he might now receive, he hoped it would not be attributed to him, as it was on a former occasion, that he was actuated by what was called a "trades union jealousy." His object was to benefit the Militia; and to show the earnestness of what he said, he would refer to a pamphlet which he wrote a few years ago, and in which he propounded an amalgamation scheme for the Militia and Line regiments. He wished also to ask the Secretary of State for War, whether it was intended to carry into effect any other recommendations of the Militia Committee, besides those relating to the amalgamation of Militia regiments with the regiments of the Army?

EARL PERCY trusted that whatever steps the right hon. Gentleman the Secretary of State for War might think it necessary to take in regard to the examination of Militia officers and their entering schools, he would not press too hardly upon them, and that he would bear in mind that Militia officers already gave up one month continuously of their time in the course of a year, which was more than was demanded of the Volunteer officers. Without desiring in any way to undervalue the schools and the examination system, his experience convinced him that officers who had not passed the examinations were often as efficient for all practical purposes as those who had passed them. Certainly, the most serious point in reference to the Militia was the difficulty of obtaining recruits, and the increasing number of absentees. He found on comparing one regiment with another, that the numbers of these men were apt to fluctuate with the rate of wages, rising, for the most part, when

wages were high, and falling when they were low, although now and then a precisely contrary effect was observable. But there was no question, that throughout the country generally, the number of absentees had steadily increased, year by year, since 1871. Roughly speaking, he found that in 1871 there were 8,000 absent without leave; that in 1872 there were rather more than 8,000; that in 1873 the number was 11,000; that in 1874 it was 10,000; while in 1875 it rose to 10,925, and in 1876 to 11,864. It must be remembered, too, that in 1874 and in 1875 the Establishment amounted to 131,000, whilst in 1876 it was reduced to 125,000; so that while the Establishment had been reduced, the number of absentees had still increased. These figures showed not only that we had not the men we ought to have for active service, but that a large sum of money—from £8,000 to £10,000 a-year, and likely to increase—was lost to the country. He was aware that many proposals had been made for dealing with this difficulty; but he thought the best plan was, that as the circumstances and requirements of the different regiments varied so greatly as they did, some discretion should be left to the commanding officers, the more so as each was interested in seeing his regiment as full as possible. All Militiamen must regard with satisfaction most of the conclusions at which the Committee had arrived. Nothing had given him more pleasure than to find that the Committee had consistently condemned the changes which Lord Cardwell was trying to bring about, which tended to the swallowing up of the permanent Staff of the Militia in the depôts and to destroying the individuality of the Force; and had recommended that the Militia should have a Staff that would make it a really reliable Force. At the time, those who knew the Militia best, told Lord Cardwell those changes would not be successful. He was disappointed that while the Government adopted certain recommendations of the Committee which he should have desired to see rejected, they had rejected others which he should have liked to see adopted. He trusted they would receive some statement from the Government, as to how many of the Committee's recommendations it was proposed to adopt. He thought there was some reason to complain, too, that

Earl Percy

some of the changes embraced in the last Circular of the War Office should have been adopted without opportunity having been given to the House for discussing them, and that the Report of the Committee was not sooner placed in the hands of Members. They had been told by the Financial Secretary that it was delayed because the gentleman who was employed indexing it had other important duties to perform, but another might have been employed for the purpose. Before it was issued, the Government had adopted almost the only change to which he would take exception, that which transferred part of the correspondence from the commanding officer to the adjutant. It seemed rather a strong proceeding to take out of the hands of the commanding officer any part of the business connected with his regiment. The command of recruits was also taken from him, and it was an unusual proceeding to deprive him of the command of any portion of a regiment. He hoped the recommendation as to undress clothing would not be adopted, unless care were taken that full dress was issued to the Militia when brigaded with other troops. The recommendation that recruits should be drilled for three months would not answer, seeing that it was difficult enough to get recruits at all; and this was one of the matters that might be left to the discretion of the commanding officer, who knew the requirements of his district.

COLONEL ALEXANDER asked for information regarding the delay in issuing the Warrant which it was understood gave a promise of 30s. to Militiamen on re-enrolment. Its non-appearance was causing great dissatisfaction in several regiments.

MR. STANLEY said, that with regard to the question raised by the hon. Member for Bath (Mr. Hayter), who had called attention to the small number of officers serving in the Militia who had received certificates of efficiency, it had to be borne in mind that there was an essential difference in the way in which the training of the two Forces—the Militia and the Volunteers—was conducted. It must also be remembered that, although out of 3,700 Militia officers, only 748 had received certificates, that by no means represented the absolute standard of efficiency in that branch of the Profession. There was no doubt

that many of the officers who had not received certificates of efficiency—either from the difficulty of finding the necessary time through their avocations, or from other causes—were not inferior; while, in many cases, they might be superior for all purposes of command and in general knowledge of the Service to those officers who, with whatever credit to themselves, might have passed the examination at a particular time and qualified themselves for particular service. At the same time, he did not mean in any way to detract from the credit which was due to those Volunteers who had so qualified themselves. With regard to the men, the hon. Member said that the numbers actually enrolled in certain regiments differed very widely from their Establishment numbers. He went, indeed, further, and pointed out that the men who were actually present fell short of the numbers enrolled. That, it must be admitted, was one of the weak points of our Militia system, and the Committee did not see their way to overcome the difficulty except by various subsidiary means. Desertions occurred when the Militia were enrolled in densely, and also in thinly, populated districts. In the former, when a man went away, you might as well, to use a popular phrase, “look for a needle in a bottle of hay.” In the thinly populated districts, want of work and the fluctuations of employment often rendered it impossible for the recruits to remain in the district. A great number of these desertions, or the shortness of numbers, arose in the case of men who did not fulfil their first engagement. In large towns where the men were enrolled in the autumn months, it sometimes required 600 or 700 recruits to bring the regiment up to its proper strength, and it was difficult to exercise so much care in the selection of men as to secure that they should come up when called for. Major Maxwell pointed out to the Committee the difficulty of getting men to notify their change of residence; and as to the references they were expected to give, they were but little removed as a class from the men who referred to them, and were not to be relied upon. The hon. Member for West Cornwall (Sir John St. Aubyn) gave valuable evidence of the opposite difficulty in thinly-populated districts—as to the scarcity of men. After considering this evidence, the

Committee, though with some doubts in their minds, did not see their way to recommend a complete change in the system of recruiting; and they rather directed their attention to other means by which men would be induced to enter the Militia, and to keep there. In adhering to the system of sub-districts in preference to the system of “territorial regiments,” it was only intended that the Militia should remain in their existing position. The Committee thought that the recruiting should be carried on as now by the permanent Staff, and that they should be encouraged to obtain better references and a personal knowledge of recruits. The adjutants of Militia only received their actual expense, instead of £3 a company as formerly to cover all expenses. That allowance of £3 was complained of as in some cases insufficient; while, in others, it went into the pocket of the officer. The Committee wished to place the matter on a sound footing, and while they adhered to the payment of actual expenses, they decided to recommend a certain amount of head-money to be given to cover the expenses of enrolment. After some discussion it was settled that 2s. 6d. should be allowed for each Militia recruit, and this had been approved by the War Office, and would in future be given. With respect to the question of bounty, there were no doubt good reasons for thinking that if all bounty were stopped in the Militia, as in the Army, the change would probably in the long run have no effect on the recruiting; but the Committee, having regard to the evidence they received from all quarters as to the practical working of the system, and having regard also to the purely hypothetical character of the evidence in favour of the change, came to the conclusion that it would be hazardous, if not impossible, to do away at present with the practice of paying something down on enrolment. It was a custom in country districts to pay something down on making a bargain, and, probably, in many cases, a man who was enrolled would not think he had actually committed himself to an engagement, unless he received something on the occasion. It was also to be borne in mind that there were some men who enrolled under the pressure of immediate want. Complaint had been made of the regulation made

by Lord Cardwell, when at the War Office, with regard to Militia bounty, that whereas formerly a man served five years for £6, he had now to serve six years for the same sum. That was done by dividing the bounty for the first year into two halves. It had been found advisable to do away with the running account, and to pay 10s. on enrolment and £1 for each year's service. That arrangement was to take effect after a certain date. On financial, as well as other grounds, it was thought advisable to encourage re-enrolment. Besides the advantages as regarded cost, and efficiency in having re-enrolled men, there was the further consideration that it was pretty certain they would turn up, for it was very rarely the case that they deserted. It was proposed to carry out the recommendations of the Committee as to discharge for the purpose of joining the Regular Army, and as to discharge during the non-training period. Steps were also being taken in order to ascertain in what way schools for the non-commissioned officers could be best carried out at the Brigade Depôts. As it was doubtful whether the non-commissioned officers would attend in large numbers, it was not thought wise to establish large central schools. At certain of the Brigade Depôts, however, schools would be set up where those who wished would be able to obtain certificates. With regard to additional training in musketry, this subject had been referred to the Inspector General of Musketry. It was still under consideration, and steps would be taken to secure that such rifle instruction as the Militia had to go through during their necessarily limited period of training should at all events be as efficient as possible. With respect to the question of barracks, and the accommodation at the Brigade Depôts, it would be premature to discuss it at present, inasmuch as the Secretary of State had appointed a Committee consisting of the Quartermaster General, Colonel Bulwer, Sir Howard Elphinstone, and Major Ellice, who would visit the Brigade Depôts and see how the requirements in each case were met. This Committee had not yet reported. With respect to the grievance of officers who were called up to take charge of recruits, arrangements had been made which would give a greater elasticity to the Regulation on the subject, and which it

was believed would go far to meet the difficulty of the case. In the matter of clothing certain additional articles would be provided. With regard to the duties of the permanent Staff, the Secretary of State had decided to carry out the recommendation of the Committee, and to consider it as a principle that each Militia battalion should, as far as possible, have a complete Staff of its own. It was not necessary or advisable that there should in every case be an Adjutant appointed for each battalion separately; but it was thought essential to have a Quartermaster for every battalion, in order that proper care might be taken of the stores, and that there might be an officer responsible for them. As the two Quartermasters of the regiment could very well do the work of the Brigade Depot between them, it was intended to dispense with the Quartermaster of the depot. It was also intended to assign as part of the distinct duties of the Quartermaster, not carrying extra pay, the duty of acting as sub-accountant to the Paymaster. There was the recommendation that the non-commissioned officers should be placed on the same footing as those of the Line with respect to allowances. To carry out that proposal would cost £18,000 per annum, and it was not thought expedient to incur so large an expense. It had been decided that where the permanent Staff only discharged their former duties, they were to receive the old rate of pay; but that where they were called up to perform Army duties at Brigade Depôts, the allowances that the Committee recommended should be made to a number not exceeding 25 per cent, although it was impossible to carry out the recommendations of the Committee on the subject to the full extent. With regard to the extra training of the Militia Reserve, the hon. Member for Bath and the hon. and gallant Member for Sunderland (Sir Henry Havelock) would be aware that the general result of the inquiries that had been made on this point, was to incline the Committee not to recommend the extension of the training of the Militia Reserve, for the present. Finally, with regard to the question whether the large increase in the expenditure which had been determined upon had been accounted for, his answer was that, with the one exception, of the cost of giving the full, instead of the

Mr. Stanley

half-year's bounty, the whole of the additional expenditure had been charged for in the Estimates. Although the right hon. Gentleman the Secretary of State for War had not been able at an earlier period of the year to announce that he had finally concluded his negotiations with the Treasury, he was now in a position to state that, with the exception of those recommendations of the Committee which he had stated could not be carried out, and of those which had been spoken of the other evening, all the remaining recommendations of the Militia Committee would be carried into effect. He apologized for the length of time during which he had occupied the attention of the Committee, but explained that the right hon. Gentleman was anxious that the earliest opportunity should be taken of giving the fullest explanation on these subjects.

SIR JOHN ST. AUBYN asked, what had been done with regard to the uniform of the Militia regiments?

MR. GATHORNE HARDY said, that no actual decision had yet been arrived at, but the Government were of opinion that it was very desirable that the uniform of the Militia should be made to correspond as far as possible with that of the Line, while the facings could be regulated as was thought desirable.

COLONEL NAGHTEN thought that the Ballot Acts should be amended so as to allow them to be put into operation.

COLONEL RUGGLES-BRISE hoped that the right hon. Gentleman would be able to point to some steps about to be taken with the view of increasing the number of Militia officers, of whom he was afraid there would be a scarcity in a short time.

GENERAL SIR GEORGE BALFOUR remarked that if it was important as a matter of public policy to pass a large number of men through the ranks of the Regular Army as quickly as possible, then it was strange that the Militia organization was not adapted to the object for which the Army was now made subordinate. Whilst service in the Regular Army was limited to three years, the service in the Militia was fixed at six years, with the power of allowing men to extend their service for a further period. He could not help wishing a return to the old practice of last cen-

tury of training the Militiamen by companies and half companies, so that no man could be taken away from home beyond a five mile radius. With this limitation, and with the aid of experienced and thoroughly trained drill instructors, there was no reason for limiting the numbers to be trained to the present small force of 130,000 Militiamen. No doubt this kind of training would interfere with the pomp and dignity of commanding officers of Militia regiments; but then the nation would be the gainer of having many hundred thousands of sufficiently trained men in the elementary part of military drills to get them to join the cadres of the Regular Army, and then, in a few weeks, to become efficient soldiers in the regimental and brigade exercises and drills.

MR. RITCHIE thought it would be satisfactory to the Committee if the Secretary of State for War could say when the difficulties which had hitherto stood in the way of the propagation of the new Militia Warrant were likely to be removed, and when the Warrant itself would probably be issued. He hoped it would be as soon as possible, because he believed it would have a good effect, in that it would secure a large number of troops who were now holding back. He wished also to know, whether non-commissioned officers of the Militia were to have accommodation in the new barracks? Some of the non-commissioned officers of the 2nd Surrey Militia had made complaints as to the deficiency of barrack accommodation at Guildford.

MR. GATHORNE HARDY said, that, in consequence of a letter having been sent to him by the hon. Member for the Tower Hamlets, he had caused inquiries to be made respecting the barrack accommodation at Guildford, but had not yet received a reply. With regard to the Warrant, no date could be given at which it would appear; but he could assure the hon. Gentleman that the difficulties which had been referred to were practically at an end; but, at the same time, it would not do to give one regiment an advantage over another, and, therefore, practically it would apply to all the regiments of Militia before their next training. In reply to the hon. and gallant Member for East Essex (Colonel Brise) he had no doubt the proposed change with regard to com-

missions out of the Militia would tend to increase the number of officers, instead of diminishing them.

Vote agreed to.

(4.) £74,400, Yeomanry Cavalry Pay and Allowances.

COLONEL HOOD expressed a hope that several of the recommendations made by the Committee of the War Office three years ago would be carried into effect. The Government ought, in his opinion, to allow the men when out for the summer drill a more liberal remuneration per day, and should provide horses for them for the time from the Regular Army. The Government should give a little more encouragement to those who wished to keep up the strength of the regiments, and to those who wished to join them.

An hon. MEMBER referred to the recommendations of the Committee appointed to inquire into the Yeomanry Cavalry, and said that the Government had treated them in a very unsatisfactory manner. Whenever anything like reductions had been suggested, they had been eagerly seized upon by the War Office; but, whenever any compensating advantages had been proposed they had been completely passed over. Every succeeding Session fresh requirements were exacted from the Yeomanry, and they were now in a considerably worse position than they occupied some years ago. To take one example; they had no longer the advantage of being exempted from the horse duty, which, in one sense, had been a great benefit to them.

MR. WHALLEY complained of the discouragement and disfavour that the Yeomanry received at the hands of the Government. General Stephenson said that 14 days' training would be necessary for the Volunteers to be made useful, and he asked that the Yeomanry should have 14 days' training.

MR. BROMLEY-DAVENPORT said, he had the honour of commanding a detachment of Yeomanry, and was anxious to say something in favour of that Force. The late Government did a great deal to discourage the Yeomanry; but while Lord Cardwell chastised them with whips, the right hon. Gentleman (Mr. Hardy) touched them up with scorpions. Certainly, they had not received much encouragement from the

present Government. He knew that they had to correspond for weeks and weeks about a matter of eighteenpence for stationery. A time might come when the Government might regret that treatment.

LORD ESLINGTON said, that no one complained of the Government requiring the greatest amount of efficiency for the Yeomanry, and he did not wish them to spend one shilling on the Yeomanry Force more than was requisite and advisable; but if the War Office required greater efficiency, it was bound to pay a reasonable portion of the expense of attaining that efficiency. He thought it would be well if they had an understanding with the War Office as to whether they appreciated the Yeomanry Force or not. If they did, it ought to be properly maintained.

MR. GATHORNE HARDY said, he had never commanded Yeomanry or other troops; and he hoped if he ever did, he should not be, as he had been just now, fired on from behind. He had been credited with having a Committee for the purpose of destroying the Yeomanry, when he put upon it four most distinguished Yeomanry officers, who practically carried everything their own way. As to trumpeters, they had to be paid for a whole year when they were required to blow a trumpet for only a few days, and it was thought possible to make other arrangements to obtain their services when they were required. The Yeomanry was one of the oldest and one of the best Forces of its kind, and his object had been to encourage good regiments and discourage bad ones, and raise the standard of efficiency as much as possible. He had not tried to encourage bad ones, nor would he do so. It had not been noticed that there was an increase in this year's Estimates, both in this Vote and in Vote No. 10, and yet he was charged with doing nothing for the encouragement of the Yeomanry. The increase in the pay of adjutants, the abolition of the horse duty, and the audit of accounts, would all be beneficial to them; but there were several regiments too small for adjutants. The Committee recommended that no regiment under 200 strong ought to have an adjutant, and that no regiment without an adjutant ought to be kept up, and the consequence was obvious—that the smaller

Mr. Gathorne Hardy

regiments would ultimately have to be disbanded. He had, however, given them time, in order that they might, if possible, recruit to a higher strength. His object throughout had been the improvement of the Yeomanry and its establishment as an efficient and real Force, and he believed the measures he had taken would have that result.

Vote agreed to.

(5.) £468,700, Volunteer Corps Pay and Allowances.

SIR WALTER B. BARTTELOT rose to call attention to the rank and retiring allowances of adjutants of Volunteers, and urged that the Government should do all in its power to make the position of those officers as good as possible, as upon their exertions depended much of the efficiency of the Volunteer Force. That efficiency was increasing year by year; it was most necessary to have a good adjutant in each regiment; and those adjutants who had made their battalions efficient deserved every encouragement. His own adjutant left the Army in 1864, when he was a captain in the 10th Foot, and in 1874, under new regulations, he and others were made temporary captains in the Army, and they ranked only with Volunteers from that date, whereas many had been captains for some years, and in the instance of his own adjutant, from 1864. That was a great hardship and deserved consideration, as the rank ought to be given from the date of the first appointment, and this, as well as the rank of major, with which he would now deal, would cost the country nothing. As to the retiring rank of major, according to the old Regulations a man if retired from ill-health, provided he had been five years an adjutant of Volunteers and had 20 years' service in the Army, might retire with the rank of major; but if he had served 15 years in the Volunteers, whatever might be his service in the Army, he could retire with the same rank. That surely was not to place him on the same footing as if he were in the Militia. When Lord Cardwell first introduced his scheme, he treated the Militia and Volunteers as Reserved Forces, and the adjutants of both exactly in the same way. But since that, the Secretary of State for War had been anxious to establish a new system in

the Militia, and had given certain retiring allowances to the adjutants of Militia, provided they retired by a certain day, and he had been informed that some of them had even been allowed to retire since that day. But, be that as it may, he should like to see adjutants of Volunteers placed upon the same footing, and get the same chance. Inasmuch as they had as much, if not more, to do in the course of the year than the adjutants of Militia, they ought, in his opinion, at least to have the offer of the same retiring allowances, and the right hon. Gentleman would take away every grievance by granting these small concessions. He also thought it was scarcely right that these men should be required to go before a medical Board and be absolutely invalided before they were held to be entitled to a retiring allowance.

COLONEL MURE, concurring very much in all that had fallen from the last speaker, insisted upon the expediency of paying regard to vested interests, observing that it was hardly fair that when an officer assumed the duties of Volunteer adjutant, and was entitled to the receipt of a certain annual sum for the purpose of keeping a horse, he should receive merely an allowance for hiring one. He would suggest, too, that the officers who became Volunteer adjutants before 1872 and those who became Volunteer adjutants after that year should be put on the same footing. He should, as a Volunteer officer, he might add, like to see some compulsory audit of accounts instituted throughout the Volunteer Army, that some further allowance would be made for the formation of Volunteer camps, and a roster of the whole of the Force throughout the country properly kept.

MR. MARK STEWART asked the Secretary of State for War to give due consideration to the urgency of this question with reference to adjutants' allowances. He would also suggest to the right hon. Gentleman to make a pecuniary grant for the purpose of facilitating the muster of Artillery corps in different parts of the country. On the West Coast of Scotland many Artillery corps were brought together at one spot, and the main expense of the gathering fell upon the officers, which was hardly a fair state of things.

MR. J. W. BARCLAY urged that since the Volunteers were now recognized as a permanent Force available for the defence of the country, they ought to receive more encouragement from the Government, and suggested whether for the purpose of increasing and developing that Force, it might not be advisable to divert a portion of the sum presently devoted to the Militia. He pressed on the Government the desirability of having a Royal Commission or a Committee of the House appointed to consider the best means of still further increasing the numbers and efficiency of the Volunteers, and introducing a better system into that service.

MR. KNIGHT complained of the treatment which adjutants employed in the Volunteer Force had received in the way of pay and retiring allowances, and expressed a hope that the Government would deal with them generously, especially the old adjutants who had done so much from the outset of the movement to make the Force what it now was—those who had borne the burden and heat of the day—by giving them the same retiring allowance which they would have been entitled to if they had continued to serve as captains in the Regular Army.

SIR PATRICK O'BRIEN thought it was a matter of very great importance that the Committee should be informed whether the Volunteer Force was properly officered or not, for, according to a letter written by the noble Lord the Member for Haddingtonshire (Lord Elcho) which had appeared in *The Times* of that morning, they constituted the real Force of the country. That letter ought not to pass without notice, for it contained the statement that the Force was inefficiently led. If they were the illusory Force which some hon. Members seemed to suppose, it would be well that that fact should be made known on the authority of the Minister who was responsible for our military administration.

COLONEL BERESFORD, referring to the pay of the adjutants, pointed out that the price of the provisions was much higher than it was 20 years ago, and that that circumstance ought to be taken into consideration in dealing with the case. The pay only amounted to 15s. 3d. a-day, and out of that the officer had to pay for his horse.

MR. GATHORNE HARDY said, that of course he could not be supposed to think the Volunteers not worth having. He drew an entirely opposite conclusion from the letter of the noble Lord the Member for Haddingtonshire (Lord Elcho) to that which had been drawn by the hon. Member for King's County (Sir Patrick O'Brien). He thought his noble Friend had shown too much sensitiveness at the remarks made by the inspecting officer. He did not think Volunteers should be too sensitive of the remarks of inspecting officers, whose duty it was not only to applaud their merits, but to tell them their faults. Had the hon. Baronet been present at an earlier stage of the evening, he would have heard it stated that so far from the officers of the Volunteer Force being uninstructed, the contrary was the case, so far as a large portion of them were concerned. At the same time it was not, of course, to be supposed that Volunteer officers with the limited time and means of drill and manœuvring at their disposal could take their place at once on a level with the officers of the Regular Army, nor was it matter for wonder that when inspected by a member of the Household Brigade he should have made some criticisms on the manner in which they had performed their duty in the field. He, however, deduced from the statements of the gallant general who acted in that capacity that the Volunteers would, in case of necessity, be found to be a very efficient Force, although he did not agree with the hon. Member for Forfarshire (Mr. Barclay) and those who contended that they could take the place of the Regular Army. There was much, he might add, in his opinion, in what had fallen from his hon. and gallant Friend the Member for West Sussex (Sir Walter Barttelot) with respect to Volunteer adjutants; but he must remind him that their pay had been increased from 8s. a-day and 2s. allowance for forage to 15s. 3d. The conditions, however, imposed upon them as to retiring allowances were, he admitted, somewhat hard, considering the long service of some officers, and he would undertake that point should be carefully considered. But that officers who retired from the Army, and accepted conditions with which they were perfectly acquainted, should be restored to the positions which they would have

occupied had they continued all the time in the Army was to take a view of their case in which he could not concur. The Volunteer Artillery he regarded as one of the most important branches of the Service, and what they had done at Shoeburyness last year and in previous years tended to show the excellence of that Force. It was intended they should try this year the new guns, which, if they were ever called upon to defend any of our fortresses, they would have to use, and he trusted that the trial of these guns would still further increase their efficiency. He could assure the Committee that the efficiency of the Volunteer Force excited the deepest interest in his mind.

MR. WHALLEY did not agree with the right hon. Gentleman the Secretary of State for War that there were impediments to the Volunteers becoming an efficient Force. He denied that statement of the right hon. Gentleman, and regarded the Volunteers as a most efficient Force. With regard to the Regular Army, which was jealous of the Volunteers, he thought it was twice as expensive as it ought to be. Encouragement ought to be given to the Volunteer Force, and that might be done by placing them under the command of skilled officers.

MR. GATHORNE HARDY explained that what he desired was that the Volunteers should be encouraged by all possible facilities of drill and other means of increasing their efficiency. The whole character of the Force, however, so much depended upon the officers and the relation in which they stood to the men, that he had not the slightest intention to propose that they should be replaced by officers of the Regular Army.

MR. DILLWYN, as a Volunteer, had always found the War Office ready to listen to any reasonable representations, and so far from any jealousy manifesting itself on the part of the Regular Army, he had always found the greatest disposition to assist the Volunteers. He was sorry to see the House to-night resolving itself into a committee of grievances, instead of considering and agreeing to the Army Votes.

MR. BULWER begged to thank the right hon. Gentleman the Secretary of State for War for promising to consider the question as to the retirement of

Volunteer adjutants. After 17 years' experience as an officer of Volunteers, he most emphatically repudiated the statement of the hon. Member for Peterborough, that the Regular Army were jealous of the Volunteers. On the contrary, the Volunteers had invariably received from the Army the greatest assistance, and from the officers of the Army the utmost kindness and cordiality. The right hon. Gentleman the Secretary of State for War had spoken of the limited opportunities which Volunteer officers had of acquiring a knowledge of their duties. On behalf of officers commanding Metropolitan Corps, he would give an instance in which their opportunity was limited indeed. Many of them were annually ordered out into Hyde Park for instruction in brigade drill, and when they got there, owing to the crowds of people who were allowed to interfere with them, it was impossible for men or officers to see or hear what was going on. For all purposes of instruction, such drills were worse than useless; and he trusted that the right hon. Gentleman would be able to take some steps to remedy this, so that on future occasions it might be possible for one battalion commander to see at least what the battalion next to him in brigade was doing.

MR. O'CONNOR POWER complained that Ireland was not allowed to have Volunteer corps.

Vote agreed to.

Motion made, and Question proposed,

"That a sum, not exceeding £132,000, be granted to Her Majesty, to defray the Charge for Army Reserve Force Pay and Allowances (including Enrolled Pensioners), which will come in course of payment from the 1st day of April 1877 to the 31st day of March 1878, inclusive."

CAPTAIN NOLAN commented at some length on the condition of the Reserve Forces, which he argued were a complete failure.

Shortly after midnight,

MR. O'CONNOR POWER moved to report Progress. He objected to voting away public money at that late hour. The protests of hon. Members against unnecessary expenditure were never attended to at that time, when the only object of the Government was to hurry

through the Votes as speedily as possible. The people of Ireland contributed to the expense of the Volunteer Force of England, but was not allowed to have Volunteers of her own. ["Question!"] Surely it was the right of the Members from Ireland to raise the question of the justice and expediency of this when they were asked to vote the money. He moved that the Committee do now report Progress.

Motion made, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. O'Connor Power.*)

MR. GATHORNE HARDY opposed the Motion to report Progress; observing that there was nothing unusual or inconvenient in the Committee considering Votes in Supply—sometimes of considerable amount and importance—at a much later hour than had then arrived. The Vote now before the Committee had nothing whatever to do with the Volunteer Force, nor did there appear to be any opposition to it.

CAPTAIN NOLAN said, the right hon. Gentleman had given no answer to the question raised by the hon. Member for Mayo, relative to the Volunteer Force in Ireland. If there was not time to answer the objections raised by hon. Members, it was time that the discussion should be postponed, and he should support the Motion to report Progress.

MR. GATHORNE HARDY said, that the question of the Reserve Forces had already been fully discussed on the Motion of the hon. Member for Hackney (Mr. J. Holms). It was impossible, on taking Votes in Supply, to enter into such criticism of details as was raised by the hon. and gallant Member. He hoped the Vote would be allowed to be taken.

MR. O'CONNOR POWER said, the right hon. Gentleman admitted that it was impossible to give an answer to objections raised at that hour of the night. Surely that was a sufficient reason why the Committee should now report Progress.

MR. PARNELL said, no answer was given to the Question of his hon. Friend the Member for Mayo, and he thought his Motion to report Progress was perfectly reasonable.

MR. O'CONNOR POWER said, he should certainly divide the Committee on the Question.

Mr. O'Connor Power

Question put.

The Committee *divided*:—Ayes 8; Noes 128: Majority 120.—(Div. List, No. 199.)

AYES—Bowyer, Sir G. Callan, P. O'Beirne, Cap. O'Donnell, F. O'Gorman, P. Parnell, C. S. Power R. Whitworth, B.
TELLERS—Captain Nolan and Mr. O'Connor Power.

MR. O'DONNELL moved that the Chairman do now leave the Chair. If the hour was so late that the right hon. Gentleman could not give an explanation of the Votes proposed, it was time that the Committee should cease.

Motion made, "That the Chairman do now leave the Chair."—(*Mr. O'Donnell.*)

MR. GATHORNE HARDY trusted the hon. Member would not resist the large majority by which the Motion to report Progress had just been negatived. There was no question of principle involved. As to the Question of the hon. Member for Mayo, the subject of Volunteers in Ireland was not before the Committee, and therefore he had not answered the hon. Gentleman's remarks.

Question put.

The Committee *divided*:—Ayes 6; Noes 127: Majority 121.—(Div. List, No. 200.)

AYES—Nolan, Captain O'Beirne, Capt. O'Gorman, P. Power, J. O'C. Power, R. Sheil, E.

TELLERS—Mr. O'Donnell and Mr. Parnell.

Motion made, "That the Chairman do report Progress, and ask leave to sit again."—(*Major O'Gorman.*)

The Motion being received with expressions of disapprobation,

MR. GREENE urged the hon. and gallant Member for Waterford not to persist in his opposition. For himself, he was prepared to sit to any time to prevent the policy of obstruction which appeared to have been adopted by some hon. Members opposite.

MR. O'CONNOR POWER was understood to describe the speech of the hon. Member for Bury as "hypocritical." [*Cries of "Order!"*]

THE CHAIRMAN said, the expression used by the hon. Member for Mayo was un-Parliamentary.

MR. O'CONNOR POWER said, that what he had said, or meant to say, was

not that the speech was "hypocritical," but "hypercritical." [*This explanation was very unfavourably received, and was the commencement of a long period of confusion.*]

MR. ANDERSON, referring to the argument of the hon. Member for Mayo, that the Irish people contributed to the expense of the English Volunteers, desired to point out that a good deal of English and Scotch money went to pay for the Irish police.

THE CHANCELLOR OF THE EXCHEQUER interposed, and said, that the hon. Member for Glasgow had travelled equally out of the record. The Irish Volunteers were not before the Committee, neither were the English—it was simply a Vote for the Reserve Forces. But he rose to express his hope that the Committee would be allowed to proceed with the Vote, and that nothing would occur that might render it necessary to make a change in the established Rules of Debate.

MR. PARNELL, MR. O'DONNELL, and other Members addressed the Committee, speaking amid great confusion and continued cries of "Order! Order!" "Chair! Chair!" "Question! Question!"

MR. O'DONNELL addressed the Committee in support of the Motion to report Progress, at great length and with little relevance to the Question.

The uneasiness and displeasure of the Committee was such that at length an hon. Member (Sir William Edmonstone) rose and moved that the Committee be counted.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 1.50]

MR. O'DONNELL proceeded in his speech, being continuously met with cries of "Question! Question!" "Divide! Divide!" and calls to Order.

THE CHAIRMAN repeatedly attempted to enforce the rules of debate by injunctions of "Order!"

MR. O'DONNELL, however, continued his address; urging, with constant iteration, the impropriety of debating important questions or voting away large sums of public money at midnight. The hon. Member enforced his argument by repeatedly referring to

the examples of the Senates of Greece and Rome, which conducted their deliberations by daylight; and the more modern examples of Germany and France, whose Assemblies met at mid-day and separated at an early hour of the afternoon.

MR. PULESTON rose to Order. The arguments of the hon. Member for Dungarvan were utterly irrelevant to the Question before the Committee.

THE CHAIRMAN said he had repeatedly pointed out to the hon. Member that he was transgressing the rules of debate. The hon. Member, he must say, seemed disposed to treat the Chair with hardly the usual respect.

MR. O'DONNELL resumed his address, with complete disregard of the reproof—

MR. PULESTON again rose to Order. The hon. Member for Dungarvan was turning the House of Commons into ridicule.

MR. O'DONNELL said, he had not the slightest desire to turn the House of Commons into ridicule: and then resumed his speech at the point of interruption, referring to the procedure of the German Reichstag—

THE CHAIRMAN said, he had already pointed out to the hon. Member that he was breaking through the Rules of Debate. If he persisted, he would look upon his conduct as disrespectful to the Committee, and would be compelled to submit to the Committee whether such conduct should not be brought under the notice of the House.

MR. O'DONNELL, expressing his desire not to infringe the rules of debate, nor to act in any manner disrespectful to the Committee, at length sat down.

MR. LOCKE referred with some indignation to the conduct of the hon. Member, whose expressions of deference to the authority of the Chair, he said, only pretended to be sincere.

MR. PARNELL asked the Chairman if such an imputation was Parliamentary.

THE CHAIRMAN said, the expression was not necessarily un-Parliamentary, unless it imputed personal insincerity to the hon. Member.

MR. LOCKE expressed his regret that the Rules of the House did not permit them to put a stop to speeches such as this, the only object of which seemed to be to waste time and obstruct

the Business of the House. I have, said the hon. and learned Member, seen the hon. Member for Dungarvan for the first time to-night, and Heaven knows I do not wish ever to look upon him again. And as for the other hon. Member!—

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member for Dungarvan had not long been a Member of the House, and perhaps did not know the Rules. Opposed Business was not begun after half-past 12 o'clock. He thought the minority was unreasonable, and that the conduct of the hon. Member for Dungarvan was irregular—to say the least of it.

MR. PARNELL said, the Chancellor of the Exchequer was always fair and conciliatory; but the Members of his Party were always ready to throw insult on the Irish Members. He had heard Members on that side say, while the hon. Member for Dungarvan was speaking—“Let us see how much he will stand.”

This statement called forth disorderly cries from Members on the Government benches; which led to a severe call to Order from the CHAIRMAN, and a threat to call one hon. Member by Name if he did not desist.

MR. C. B. DENISON strongly denounced the course now taken by the hon. Members opposite, in obstructing the proceedings of the Committee.

MR. WHALLEY declared that, so far from being ashamed of the conduct of those hon. Members, on the contrary, the part taken by the hon. Member for Dungarvan and those who acted with him filled him with admiration and envy.

Question put.

The Committee *divided*: — Ayes 5; Noes 106: Majority 101.—(Div. List, No. 201.) [A.M. 2.35]

AYES — Nolan, Captain O'Donnell, F. Parnell, C. S. Power, J. O'C. Power, R.
TELLERS—Major O'Gorman and Mr. Whalley.

MR. O'CONNOR POWER immediately moved, “That the Chairman do now leave the Chair.”

Motion made, and Question put, “That the Chairman do now leave the Chair.”—(Mr. O'Connor Power.)

The Committee *divided*: — Ayes 5; Noes 106: Majority 101.—(Div. List, No. 202.)

Mr. Locke

AYES — Nolan, Captain O'Gorman, P. Parnell, C. S. Power, R. Whalley, G. H.
TELLERS—Mr. O'Donnell and Mr. O'Connor Power.

Motion made, and Question put, “That the Chairman do report Progress, and ask leave to sit again.”—(Mr. Richard Power.)

The Committee *divided*: — Ayes 5; Noes 105: Majority 100.—(Div. List, No. 203.) [A.M. 2.50]

AYES — Nolan, Captain O'Donnell, F. H. O'Gorman, P. Parnell, C. S. Whalley, G. H.
TELLERS—Mr. O'Connor Power and Mr. Richard Power.

Motion made, and Question put, “That the Chairman do now leave the Chair.”—(Mr. Parnell.)

The Committee *divided*: — Ayes 5; Noes 105: Majority 100.—(Div. List, No. 204.)

AYES — Nolan, Captain O'Donnell, F. H. O'Gorman, P. Power, R. Whalley, G. H.
TELLERS—Mr. Parnell and Mr. O'Connor Power.

Motion made, and Question put, “That the Chairman do report Progress, and ask leave to sit again.”—(Mr. O'Connor Power.)

The Committee *divided*: — Ayes 5; Noes 106: Majority 101.—(Div. List, No. 205.)

AYES — Nolan, Captain O'Gorman, P. Parnell, C. S. Power, R. Whalley, G. H.
TELLERS—Mr. O'Donnell and Mr. O'Connor Power.

Motion made, and Question proposed, “That the Chairman do now leave the Chair.”—(Mr. Whalley.)

MR. PARNELL asked, what did the right hon. Gentleman want? Did he want a victory over five Irishmen? What was the principle he was contending for?

THE CHANCELLOR OF THE EXCHEQUER said, it was for this—that a small minority should give way to a large majority. They would not be disgraced by now giving way, seeing that it would be an act of personal courtesy to the officials of the House and to Mr. Speaker, who all this time was waiting.

MR. O'CONNOR POWER declined to give way; and proceeded to address the Committee, when—

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present—

[A.M. 3.35]

MR. WHALLEY said, it was ridiculous, and not even honest, to go on with Business at these hours. The Business of the House, he said, should be carried on by the light of day. [*A laugh—for it was now broad daylight.*] He was prepared to go to the country to-morrow and contest this question. [Mr. D. DAVIES made a remark in Welsh.] Yes, he would undertake to carry the hon. Gentleman's own borough against him on this question—provided he would promise not to address his constituents in Welsh.

MR. O'DONNELL addressed the Committee on the Motion, when—

[A.M. 4.10]

Notice taken, that 40 Members were not present; and the Committee having been counted, and 33 Members only being present, Mr. Speaker resumed the Chair, and counted the House; and 40 Members being present,

SUPPLY—*further considered* in Committee.

Motion made, and Question proposed,

"That a sum, not exceeding £132,000, be granted to Her Majesty, to defray the Charge for Army Reserve Force Pay and Allowances (including Enrolled Pensioners), which will come in course of payment from the 1st day of April 1877 to the 31st day of March 1878, inclusive."

MR. O'DONNELL said, it was really the Government that was obstructing Business by resisting the Motion for Adjournment. He was ready to sit for 24 hours longer to protest against the shame of this midnight legislation.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Parnell.)

The Committee *divided*:—Ayes 5; Noes 64: Majority 59.—(Div. List, No. 206.)

AYES—Nolan, Captain O'Donnell, F.H. O'Gorman, P. Power, R. Whalley, G. H. TELLERS—Mr. Parnell and Mr. O'Connor Power.

Motion made, and Question put, "That the Chairman do now leave the Chair."—(Mr. O'Donnell.)

The Committee *divided*:—Ayes 5; Noes 65: Majority 60.—(Div. List, No. 207.)

AYES—O'Gorman, P. Parnell, C. S. Power, J. O'C. Power, R. Whalley, G. H. TELLERS—Captain Nolan and Mr. O'Donnell.

Motion made, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. O'Connor Power.)

SIR WILLIAM HARCOURT, who for a great part of the evening had represented the Leaders of the Opposition, rose, and with great force deprecated a continuance of these undignified proceedings. Enough had been done to vindicate the desire of the Government to get on with Business, but seeing the contest was vain with Members who were determined to listen to no argument or remonstrance, he thought the Government would do well to give way. At the same time, he reminded the present occupants of the Treasury Bench that when they sat opposite, the hon. Member for York (Mr. J. Lowther) and others had adopted the same tactics of obstruction which now created so much displeasure when acted on by the hon. Member for Mayo and his Friends.

THE CHANCELLOR OF THE EXCHEQUER said, he greatly regretted the contest that had arisen; but it was not a question whether the Government should give way, but the House.

Question put.

The Committee *divided*:—Ayes 5; Noes 64: Majority 59.—(Div. List, No. 208.)

AYES—O'Donnell, F. O'Gorman, P. Parnell, C. S. Power, R. Whalley, G. H. TELLERS—Captain Nolan and Mr. O'Connor Power.

Motion made, and Question put, "That the Chairman do now leave the Chair."—(Major O'Gorman.)

The Committee *divided*:—Ayes 5; Noes 63: Majority 58.—(Div. List, No. 209.) [A.M. 4.35]

AYES—Nolan, Captain O'Donnell, F.H. Parnell, C. S. Power, R. Whalley, G. H. TELLERS—Major O'Gorman and Mr. O'Connor Power.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Richard Power.)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 5.0]

MR. ASSHETON CROSS, who now represented the Government, appealed to hon. Members to allow Business to proceed. The Vote under discussion was proposed before midnight, and had been resisted for upwards of five hours, because the Secretary for War had omitted to answer a question put by an Irish Member which had reference to a Vote that had already been passed.

MR. PARNELL said, that Irish questions were treated in a half contemptuous way, and it was only by determined action that the Representatives from Ireland could force upon the House the conviction that Irish questions were entitled to be respectfully considered.

MR. O'CONNOR POWER said, the contest was now assuming a very serious character. The supposed slight thrown upon him by the Secretary for War was a very small matter; but the manner in which Irish Members and Irish measures were treated was a very grave matter; and they would continue their opposition as long as the Government liked, in order to enforce the attention of the country. Their opposition was not a pre-arranged business—he was astonished not to find himself in bed. But he felt as though he could remain until Macaulay's New Zealander took up his station on the broken arches of London Bridge to sketch the ruins of St. Paul's, so strongly was he convinced of the principle he was maintaining.

MR. BLAKE remonstrated against these continuous Motions, the real object of which was obstruction and nothing else. The hon. Member for Meath had publicly avowed it. At a public meeting in the Strand, in April last, he had said that as he and his Friends could not meet the Government with cold steel, they would do all they could to thwart them in the ways that were open to them. And at a meeting at the Italian Schools in Hatton Garden, on the 17th of June, he had ventured to speak of the Speaker with marked disrespect; for he was reported to have said that the Speaker looked upon Home Rule Members as a trapper did on vermin.

MR. PARNELL rose, and with great

warmth denied that he had ever used such language in reference to the Speaker; and he challenged the hon. Member to produce his authority.

The Times of that date having been procured from the Library, the following extract from the report of a speech attributed to Mr. Parnell on the occasion in question was read:—

“If he (Mr. Parnell) were to tell them that the Speaker was a man of great ability, but that he looked upon Home Rule Members much as a trapper would look upon vermin, he should in all probability incur his displeasure and the consequences of that displeasure. If he were to speak of the way in which the English Members generally performed their duties, he might say a great many unpleasant and very true things. If he told them that the English Members neglected their duties to England and especially to Ireland, he might find himself brought before the House of Commons, and if he were to speak fully of the Irish Members he might incur the charge of telling tales out of school. He should, therefore, ask them to excuse him if he did not tell as much of the truth there as he spoke in the House itself.”

On the passage referring to the Speaker being read, hon. Members expressed much indignation; and an hon. Member said that language disparaging to the Speaker of that House was a breach of the Privileges of the House, and expressed a hope that the conduct of the hon. Member for Meath would be brought under the notice of the House.

MR. PARNELL denied that the language he had used supported the charge brought against him—for if hon. Members had but attended to the passage read to them they would have found that his expression was merely hypothetical—“If he were to tell them——” [“Oh, oh!”]

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 5.35.]

Question put.

The Committee *divided*:—Ayes 5; Noes 63: Majority 58.—(Div. List, No. 210.)

AYES—Nolan, Captain O'Gorman, P. Parnell, C. S. Power, J. O'C. Whalley, G. H. TELLERS—Mr. O'Donnell and Mr. Richard Power.

Motion made, and Question put, “That the Chairman do now leave the Chair.”—(Mr. Parnell.)

The Committee *divided*:—Ayes 5; Noes 63: Majority 58.—(Div. List, No. 211.)

AYES — Nolan, Captain O'Donnell, F.H.
O'Gorman, P. Power, R. Whalley, G. H.
TELLERS—Mr. Parnell and Mr. O'Connor Power.

Motion made, and Question put,
"That the Chairman do report Progress, and ask leave to sit again."—
(*Major O'Gorman.*)

The Committee *divided*:—Ayes 5;
Noes 63: Majority 58.—(Div. List, No. 212.)

AYES — Nolan, Captain O'Donnell, F.H.
Power, J. O'C. Power, R. Whalley, G. H.
TELLERS—Major O'Gorman and Mr. Parnell.

MR. WHALLEY said, the Chancellor of the Exchequer, the Secretary for War, and now the Home Secretary had left the House, and there was no Minister left to guide or advise them. The Committee of Supply, under such circumstances, was a sham and a pretence.

MR. KING-HARMAN rose to Order. Was that proper language to apply to a Committee of the Whole House?

THE CHAIRMAN said, the hon. Member's language was strong, but not un-Parliamentary.

MR. WHALLEY said, he would withdraw the language, but would move that the Chairman do leave the Chair.

Motion made, "That the Chairman do now leave the Chair."—(*Mr. Whalley.*)

After some further angry discussion—

The Committee *divided*:—Ayes 5;
Noes 62: Majority 57.—(Div. List, No. 213.)

AYES — Nolan, Captain O'Donnell, F.H.
O'Gorman, P. Parnell, C. S. Power, R.
TELLERS—Mr. O'Connor Power and Mr. Whalley.

Motion made, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Richard Power.*)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 6.20]

Question put.

The Committee *divided*:—Ayes 5;
Noes 62: Majority 57.—(Div. List, No. 214.)

AYES — Nolan, Captain O'Donnell, F.H.
O'Gorman, P. Parnell, C. S. Power, J. O'C.
TELLERS—Mr. Richard Power and Mr. Whalley.

Motion made, "That the Chairman do now leave the Chair."—(*Mr. Parnell.*)

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 6.45]

Question put, "That the Chairman do now leave the Chair."

The Committee *divided*:—Ayes 5;
Noes 62: Majority 57.—(Div. List, No. 215.)

AYES — Nolan, Captain O'Donnell, F.H.
O'Gorman, P. Power, R. Whalley, G. H.
TELLERS—Mr. Parnell and Mr. O'Connor Power.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

[A.M. 7.0]

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—
(*Mr. O'Connor Power.*)

SIR HENRY SELWIN-IBBETSON, who was now the sole occupant of the Treasury bench, appeared to think that the Government had persevered long enough, but warned hon. Members that the probable result of the course pursued would be an alteration of the Rules of Debate, and a curtailment of the privileges of Members.

MR. WHALLEY rose to address the Committee, when—

Notice taken, that 40 Members were not present; Committee counted, and 40 Members not being present:

Mr. Speaker resumed the Chair:—House counted, and 40 Members not being present:

House adjourned at a quarter after Seven o'clock in the morning.

HOUSE OF LORDS,

Tuesday, 3rd July, 1877.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Universities of Oxford and Cambridge (175); Municipal Corporations (New Charters)* (125).
Committee—Report—Royal Irish Constabulary* (120).
Report—General Police and Improvement (Scotland) Act (1862) Amendment* (109); Trade Marks* (106).

Third Reading—Metropolis Toll Bridges * (45); Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) * (81); Local Government Provisional Orders (Bridlington, &c.) * (107), and *passed*.

THE EASTERN QUESTION—THE MEDITERRANEAN FLEET.—QUESTION.

EARL GRANVILLE: My Lords, I desire to ask my noble Friend the Secretary of State for Foreign Affairs a Question of which I have given him private Notice. I beg to ask him, Whether he is able to give any information to the House with regard to the alleged departure of the Mediterranean Fleet from the Piræus?

THE EARL OF DERBY: My Lords, it is a fact, as stated in the newspapers, that orders have been given to the British Fleet to leave the Piræus, where it had been stationed, and return to the station where it was last year—Besika Bay.

UNIVERSITIES OF OXFORD AND CAMBRIDGE BILL—(No. 114.)

(*The Marquess of Salisbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF SALISBURY, in moving that the Bill be now read the second time, said, it would be in the recollection of their Lordships that last year they spent a considerable time in considering the provisions of the University of Oxford Bill. He then expressed a fear lest the labour which their Lordships had expended on that measure might become vain in consequence of the Bill being lost upon the sands of July. That had, unfortunately, turned out to be true. The Bill failed to pass that terrible ordeal which awaited measures in the other House, and which now appeared to be dangerous even to the most necessary measures for the defence of the country. That Bill was re-introduced this Session in the other House, and together with it was incorporated a Bill, which their Lordships had not yet seen, for the University of Cambridge. The objects of the Bill were the same as they were before, and the provisions, he thought, on the whole, had not been sensibly changed. The cause for the introduction of the Bill last year was

that a Commission had been issued by the late Government, had sat and examined very carefully into the revenues of the University, and had ascertained that there was a considerable surplus of income more than was necessary for the purposes of the University, purely as an educational body, and that there would, in future years, be a very large increase in that already considerable sum. The Government were certain that Parliament would not consent that so large an addition to the resources of the University should be disposed of without due regard being had to the many wants which had been pointed out and admitted to exist at the University by men of all Parties there, and for which additional resources were requisite. New studies had been introduced, new branches of learning were attracting the attention of numberless students, and new classes of students unconnected with the old institutions and Colleges were flocking in every year to the University. To facilitate the prosecution of those new studies, and to attract and assist those new classes of students, pecuniary resources were very necessary. It was, therefore to bring that supply and that demand together that this Bill was prepared. The method which the Government recommended to Parliament for facilitating the application of those resources to those objects was a very simple one. It was nothing but the creation of a very competent Commission, armed with extensive powers. But they placed a limit to the action of the Bill. They refused to pass beyond the actual requirements of the case—the actual disposal of the money of which the Commission had indicated the existence for purposes which the University felt to be necessary; and the limit which they specially imposed on themselves was that they declined to enter into the difficult fields of controversy connected either with the government of the University, or with the position of the Ecclesiastical Bodies within it. They had not, on the one hand, confined the discretion of the Commission with respect to ecclesiastical subjects, nor, on the other, had they done anything of which the tendency would be to alter the ecclesiastical *status quo*. In the course of the discussion on the Bill two considerations were pressed on the Government, not only in the House, but by the principal authorities

of the University themselves; and on their advice they inserted in the Bill a power for the Commission to deal with the Headships and Fellowships, without any restriction on the ecclesiastical destination of a certain number of those endowments. But at the same time provisions were introduced enforcing those prescriptions which Parliament by the University Tests Act had insisted upon six years ago—that religious instruction and religious worship for members of the Church of England should be provided in all the Colleges. To those objects and limitations they had adhered. The Bill had been altered in some few particulars, but the alterations did not affect its cardinal essence, or the main intention which they had in view. The great and most obvious change was that the University of Cambridge Bill had been incorporated with the University of Oxford Bill, and dealt with by analogous provisions. Beyond that, a considerable change had been made in the constitution of the Oxford University Commission. They found that a general feeling existed that some, at least, of the members of the Commission ought to be closely connected with the existing discipline and studies of the place. That defect was pointed out to him in the course of the passage of the Bill through the House. He confessed that his own inclination was in favour of keeping the Commission impartial in the controversies and contentions which, to an unfortunate extent, Oxford had occasionally experienced. But there was a dominant feeling in both Houses of Parliament that some of the Commissioners should be connected with the discipline and studies of the place; and that was pressed on him by Sir Henry Maine, who urged on him that his own place should be vacated for that purpose, and urged it so earnestly that he had hardly thought it fair to insist on holding Sir Henry Maine to his original promise. The Dean of Chichester had very kindly vacated his position as a Commissioner with the same object; and the two vacancies so made had been filled up by two Gentlemen well known in the University, and connected with its discipline and studies. He had yielded to the resignation of Sir Henry Maine with extreme reluctance; but, making all due allowance for that very great loss, he did not think that the Commission would,

on the whole, be found to have seriously suffered by the change. Professor Henry Smith was so well known to many of their Lordships that he felt that change had been in one respect an advantage, from a point of view to which he attached considerable importance, as by that substitution science was now more strongly represented on the Commission than it was originally—namely, by Mr. Justice Grove only. Beyond that he had not any alteration of importance to note in the Bill. The Bill had grown considerably. The 48 clauses which had left that House had now swollen to 61, and the 12 pages had become 19. Some of that additional matter was owing to a certain number of special clauses, perhaps more interesting to the subjects of them than to the public at large. A number of Foundations had been specially named in particular clauses. But it was not necessary to draw their Lordships' attention to those matters of detail. He should be simply wasting their time by entering into them further. Their Lordships had last year fully discussed the measure, and all the principles on which it was founded. All that he had now to say was, that it was highly expedient for the Universities that that Bill should be passed and that controversy settled. It was not good for the Universities that they should be like iron-clads continually in dock, and subjected to perpetual criticism and change.

Moved, "That the Bill be now read 2^d."
—(*The Marquess of Salisbury.*)

LORD COLCHESTER, who had given Notice to move as an Amendment on the Motion for the second reading—

"That legislation with reference to the Universities will be premature unless preceded by an inquiry into the working of the changes effected as to the state, studies, and discipline of those Universities by the legislation of 1854 and 1856,"

said, that when last Session the Bill dealing with the University of Oxford was laid before their Lordships, he ventured to submit to their consideration a Resolution similar in principle to that which he had placed on the Paper that evening. He regretted then, and he regretted now, to find himself in opposition to the views taken on that subject by Her Majesty's Government and those with whom he generally acted; and he

was aware that though several noble Lords concurred in the objection he felt to parts of the Bill, the opinion that a fresh Commission of Inquiry was necessary did not elicit their support. At a later stage, however, two noble Lords on the other side had made a proposal based on very similar grounds in favour of an inquiry to be held by the Executive Commission about to be appointed before proceeding to act in an executive capacity. He (Lord Colchester) did not vote on that question because he certainly could not see that if an inquiry was to be held, it would be of very great use after the principles by which the Commissioners were to be guided were laid down by Parliament and the bounds of their sphere of action to some extent determined by the enumeration of the matters on which alone they were to touch. But since the University question had again come before Parliament opinions had been expressed elsewhere in favour of a view similar to that he had the honour of submitting last year—that before dealing in a very large—he might say in a very drastic—manner with these institutions, it would not be undesirable to investigate their present condition, to collect the opinions of those most conversant with the University in recent years, whether now holding office within it or not, and not commit those who were to carry out changes to any principles of reform until the grounds for such principles in the existing state of it had been established. He could but regard the Bill as proposed as premature in point of time, as in many points revolutionary, where revolutionary change might be hurtful; and, at the same time, leaving many points open which would prevent its effecting any great settlement, if such a settlement were possible. He thought this measure premature, because it was nearly 23 years since Parliament dealt with this subject in a manner which had in a great measure transformed at least the University of Oxford. But the full effects of that measure had scarcely yet been felt—they hardly could be until the whole generation dating from before the reforms of that period had passed away. The whole system of election to fellowships had been altered, and in a great measure, consequently, the character of the Colleges had been in a state of transmutation. He hardly thought it

Lord Colchester

was yet time to pronounce altogether how much of what was new had been altogether good and how much was open to just criticism; and he thought all must acknowledge that nothing could be more unfortunate than that Parliament should be perpetually legislating on these matters, that a fresh University Reform Bill continually should be before the eyes of the Universities, and that the saying of the late Dean of St. Paul's should be realized, which he quoted to their Lordships on a previous occasion. That those who had once used Parliament as an engine for changes in the Universities exemplified Horace's maxim—

“*Ut canis a corio nunquam absterrebitur uncto.*”

If it could be shown that Oxford or Cambridge were falling into the decaying and lifeless condition in which they might have been 100 years ago, he could imagine it being said that not a moment should be lost in doing something to restore fresh life before another race of students had suffered from their inefficiency. But this was not contended. There was, it was true, one reason given against delay which he listened to with great respect because it came from the most rev. Primate. The most rev. Primate contended that it was important for the interests of the University to put an end by a final measure to the unrest and disquiet which the prospect and discussion of change occasioned. He (Lord Colchester) only ventured to doubt whether from what he knew of the general tone and temper of minds in Oxford on these questions, and perhaps also among those interested in them elsewhere, any measure—especially one such as now proposed to their Lordships—would stop the movement for further changes among those who did not find in it precisely the provisions desired by themselves. And in this doubt he was confirmed by what was said on that occasion by the noble Marquess himself—

“I do not entertain the illusory hope that the Bill will be a final effort. The idea of any Bill which will settle the question is a delusion.”

If, then, there was no imperative necessity for legislating at once and without a moment's delay, why were they to depart from the usual course—the course observed in former University legislation

—the course usual when corporations or institutions were to be re-modelled? It was, he knew, said that there was information enough. We had had, it was said, one Commission as to the University revenues; we had had another exhaustive inquiry more than 20 years ago. Well, as to the former Commission, dealing solely with the revenues of these Bodies, taking no notice of their studies or management, it simply was calculated to raise many perplexities and solve nothing—to show apparent anomalies in the distribution of College funds, in no way assist to show if these anomalies had or had not their justification. As regarded the old Commission, no doubt the Report of that Commission was most valuable as to the state of the Universities at the time it was made; but it referred to a state of things so entirely past as to mislead rather than instruct anyone who had no information from other sources. Many great changes had been introduced in consequence of the inquiry of the Commission—and sufficient time had not yet elapsed to enable them to judge of their working; many arrangements proposed had not yet been introduced:—and he contended that to take the inquiry of the Commission of 1854, and to legislate upon it for the Universities now, would be very much like legislating for the municipalities at the present moment from the information obtained about the unreformed municipalities before 1835. The present measure was, therefore, premature, and in some respects it was revolutionary. Last year, he believed, some objection was taken to the phrase “College disendowment,” as applied to this Bill. But there was no doubt that, using the word in a literal sense, whether it be thought a phrase of censure or not, such a description was applicable to a measure the main principle of which was to transfer a large part of the property of the Colleges to the University. The phrase “common fund” seemed to imply that all trace of the origin of funds raised from College property was to be obliterated, and all connection with the institutions bearing the name and commemorating the existence of those who founded them was to be dissolved. Then, again, without any investigation as to their relative usefulness, prize fellowships were to be largely swept away to make room for

what were called additional facilities for education. The whole measure proceeded on the arbitrary assumption that those fellowships had little educational value. To those who had considered these fellowships an essential part of the University system, as a stimulus to study, which was one of its most valuable educational influences, this appeared a taint through the whole foundation of the measure, and one which would certainly prevent him from in any way acquiescing with its passing into law. Nothing, surely, was more important than to maintain the influence of University culture and University studies which had hitherto permeated English life. Nothing could be more fatal than in any way to make University studies and University distinctions appear otiose and unfruitful to all who did not intend to devote themselves to the profession of academic teaching. It would be an unhappy day alike for the University and the country when substantial prizes for University success should be in a great measure denied to those who were seeking careers in the outer world. All except those who were at once independent of all pecuniary considerations and endowed with a taste for University study of the higher kind would be tempted to look on it themselves or be encouraged by their friends to regard it as a superfluous and distracting pursuit, of little help to them in the work of professional life. It was true that these prize fellowships might not be wholly abolished—and he was glad to see that the special provisions most pointedly directed against them were not retained this year—but there did seem a disposition to reduce and pare them down to the lowest point. Their Lordships might remember how two men, famous both in public life and literature—Addison and Prior—each, when the turn of fortune withdrew them from public employment, fell back upon the College fellowship which he had never vacated during his years of activity in the service of the State. The Commissioners of 1852 said—

“When the University shall have been put in a condition to offer sufficient inducements to enable it to retain the ablest men in its service it may with safety leave them to follow their inclinations. Fellows thus elected may safely be allowed to pursue the career which they deem best for themselves. They will serve the University in their several professions more effectually

ally than they could by residence within its walls. All our remarks have been made with the view of rendering fellowships rewards for past exertions as well as stimulants beforehand."

That was the opinion of those who were eminently qualified to form an opinion upon this subject 23 years ago; and until that opinion was shown to be erroneous, he did not see why it should be put aside. There was another very important point on which as yet they had heard nothing—namely, in whom was to be vested the patronage of the offices to be created and to be paid out of the revenues hitherto administered by the Colleges. To place this patronage at the disposal of Convocation would certainly be contrary to the opinions of most persons who had given attention to the subject. If it were to be vested in the Crown, acting through its Ministers, that would be an arrangement which might not altogether work badly; but which would, whether for good or for evil, introduce, to an extent hitherto unknown, an element of ministerial and political influence into academical affairs. Or was some totally new mode of appointment to be created either within or without the Universities? This was a matter which would be admitted to be a very grave one—a matter not to be decided without a careful examination of various and conflicting considerations; and it was one on which the results of a formal inquiry might have been eminently valuable, and at any rate have spared them the necessity of handing over the alienated endowments of Colleges to be dealt with they knew not how. To pass from what the Bill attempted to settle to what it did not, the first point on which agitation was certain to continue was the clerical fellowship question. He was as desirous as anyone that fellowships of that class should not be done away with altogether, for he thought that since the passing of the University Test Act they were of greater importance than they had been at a previous time. But it did seem a question whether something was not required to strengthen their position before the world. It might be possible to a considerable extent to make them prizes for proficiency in theological study. Fellowships held by men specially distinguished in a different study from others could not be regarded as they

sometimes were now, as representing a lower intellectual level than those altogether unrestricted. Another objection would be obviated if these fellowships in all cases required that anyone becoming a candidate should be either in holy orders or under a *bond fide* engagement to take orders, whether clerical or not; so that the election to such a fellowship could no longer appear to bring persons into the clerical profession who would otherwise have felt no vocation for it, and would have sought a more congenial career in some other walk of life. Lastly, there was left untouched a subject well worthy of investigation—the constitution and government of the University. That constitution in the case of Oxford dated entirely from the last Commission. The Hebdomadal Council Congregations, as now constituted, and the relation of those bodies to Convocation, were entirely the work of legislation founded on the Report of that Commission. These arrangements were in some degree experimental; but they had been tried for 23 years, and if the time were come for dealing with University reform at all, it would be a not unfit question for inquiry whether they in any manner required amendment. He might say, in passing, that as in some quarters great importance was attached to the Hebdomadal Council having put forward a scheme involving a great extension of the Professoriate, the Hebdomadal Council, under the constitution which this Bill left unaltered, was only one of three branches of the University Legislature; and though its opinions were, of course, entitled to much weight, it could not—at least, by those who were satisfied with this Bill—be held to pronounce finally the opinion of Oxford. The composition and powers of these bodies were much controverted topics. Their Lordships had some discussion last year about the composition of Congregation. He (Lord Colchester) was not one of those who desired a change in this respect; but, believing as he did that the needlessness of such a change could be shown, he thought that a full investigation of the subject, such as would have formed part of the duties of an Inquiry Commission, would have given them surer foundations for a right conclusion. As to Convocation, he did desire to see some change in the form in which its functions were exer-

Lord Colchester

cised. He did not wish to disfranchise the non-resident Masters of Arts in any other sense than the people of England were disfranchised when they sent Representatives to Parliament instead of assembling in a national mass-meeting to vote laws in the style of the Roman Comitia or the Landsgemeinde of Uri. But he would suggest that if it were possible to have a standing body of representatives, each chosen in proportion to their numbers by the Masters of Arts of his College, such a body, while on matters of ecclesiastical or political difference representing the same ideas as at present, would be composed of men carrying a personal weight and of widespread academical reputation, which would give them at once more efficiency and more real power than the chance-gathering of non-residents from all parts of the Kingdom to vote at some election or on some opposed statute with regard to which a few persons at the centre of affairs prosecuted an active canvass. It was not the same case as with the non-resident Fellows of Colleges. They were in general picked men; they were men who by the nature of the case were still intimately connected with the University, and in many cases had, within comparatively few years, been resident in it; while a large number of members of Convocation, never having had any special claim to authority on academic questions, had for the greater part of a lifetime lived altogether apart from University associations, and had no knowledge of their University as it had been since the days of their undergraduate life. What scheme of reform of Convocation was the most practicable might be an open question. The noble Lord opposite, who last year declined to raise the subject, because University reformers were not agreed on it, would, he imagined, have the same reason for not stirring it till Keble and Hertford Colleges were ready to celebrate a centenary. But it was precisely one of the questions which it would have been the duty of a Commission of Inquiry carefully to consider, and it was one of the misfortunes of legislating without inquiry that the House was not in a position to deal with it more satisfactorily. It was for these reasons, which he had endeavoured to go through as concisely as possible, that he had put this Resolution before their Lordships. He feared that some of the

details through which he had gone might have been wearisome, though to many who had followed the affairs of the Universities to which they belonged they would not have been without interest. But, as having a deep regard for the welfare of these institutions, as believing that they were doing their work well and successfully, that any new legislation concerning them should be most cautious, most deliberate, and most careful, he could not, even if without support in this Motion, do otherwise than protest against the hasty and unfortunate course on which Parliament seemed about to enter. He begged, in conclusion, to move the Resolution of which he had given Notice.

Amendment moved,

To leave out all after the word ("that") in order to insert the following words: ("that legislation with reference to the Universities will be premature unless preceded by an inquiry into the working of the changes effected as to the state, studies, and discipline of those Universities by the legislation of 1854 and 1856.")—(*The Lord Colchester.*)

LORD CARLINGFORD said, he was one of those who last year was not convinced by the arguments of the noble Lord opposite (Lord Colchester) of the necessity of hanging up the question of University Reform indefinitely for the purpose of once more instituting a large and formal investigation into the working of the Oxford and Cambridge University system; and he still remained unconvinced. The noble Lord had spoken with respect to the famous Oxford University Commission which sat to consider this question some 23 years ago; and, indeed, it was impossible to exaggerate its importance. The result of their investigation had been to throw a flood of light upon the whole question, which had not lost its effect down to the present time. The noble Lord had said truly that that inquiry, and the information it had produced, had been used for the purpose of bringing about the most beneficial, but, at the same time, the most radical, changes in the Oxford system. That was true enough; but it must not be forgotten that what it was sought to accomplish by means of the present Bill was a very much smaller and less ambitious result. The information which was then obtained could be very easily supplemented by the Commissioners to be appointed under this

Bill, and a great deal of the further information sought would be found in the minds of the Commissioners themselves. The principal reason the noble Lord had given for asking for further investigation was his fear as to the future existence of College fellowships. For his own part, he had never been alarmed on this subject since he had first heard the statement of the noble Marquess opposite (the Marquess of Salisbury), in spite of his denunciation of what he termed "idle fellowships." He had himself the utmost confidence in the powers of the Commission to be appointed under this Bill to resist any excessive or revolutionary changes; and indeed his fears took a direction contrary to those of the noble Lord on this point. He believed that a fund of prudence and a power of resistance would be found in some of the distinguished Members of the Commission which might completely relieve their minds of all fear on this subject. With regard to the Bill itself, it had, in his opinion, lost nothing by the delay of a year. On the whole, it was now a better considered measure than it was then. It had been improved on some points on which he himself had desired to see a change made; and the noble Marquess opposite had evidently paid every attention to the criticisms which were offered last year by noble Lords on both sides of the House. He was glad to see that Clause 11 provided that the Commissioners should not sanction schemes affecting any one College until they had devised a plan for dealing with the whole University. The clause relating to the principle upon which College contributions should be assessed was also a wise one, and he hoped that it would prevent such dangers arising as were apprehended last year. He thought that the Commissioners should carefully ascertain the requirements of the Universities, and be empowered then to decide the proportions in which each of the Colleges should subscribe to the common fund for carrying out the objects the Universities were founded to achieve. Further, he thought that common funds should be established in each University for the various useful educational purposes in connection with learning and research; and he therefore supported the Bill as far as that was concerned. His objections to the Bill were based not

Lord Carlingford

so much upon what it proposed to do as to what it would leave undone. His desire was to see such important problems solved as those which the noble Lord had mentioned, especially—for these were the chief omissions—as to the constitution of Convocation and Congregation, which at Oxford constituted the Legislative Body—and to the question of clerical fellowships. He hoped this last question would be discussed in the progress of the Bill. He agreed in the main with the terms of the Preamble of the Bill—that it is expedient that provision should be made for enabling or compelling the Colleges to contribute more largely to University purposes. With the qualifications he had mentioned, he was therefore ready to support the Bill.

THE DUKE OF DEVONSHIRE said, he was most anxious that the Bill should be passed this Session—and that, he hoped, might be regarded as a matter of certainty. Although he was not prepared to express his approval of the measure in every particular, either as to what it did or what it did not do, yet he thought that the Universities would have just cause of complaint if they were kept longer in suspense; and he also desired it to pass because he anticipated that the result of the measure would be greatly to increase the usefulness of the Universities. Since the passing of the Acts 20 years ago there had been great activity at both Universities, and considerable efforts had been made to render their teaching wider and larger, and to include a greater range of subjects. He spoke principally of Cambridge, though he believed his observations applied as well to Oxford, and he thought that both Universities would do much more if there were funds applicable for their purposes. The Colleges were the only source from which such funds could be supplied; and the Colleges themselves—or, at least, the greater part of them—acknowledged the claim the Universities had upon them, and were perfectly willing to contribute. He, for one, felt that the Universities urgently required additional funds; and thinking that this Bill provided the proper sources from which they would be derived, he could not but hope that the Bill would pass. He would give it his cordial approval and assent. As to the Amendment of the noble Lord (Lord Colchester), he did not agree

him that there should be any further inquiry or that any was required. The Parliament proceeded to legislate. There was a larger amount of information already collected than most persons were aware of, and whatever nation might be got to remain working of the Bill in the hands of the members themselves.

CAMPERDOWN also made a further inquiry was made of legislation. He must be allowed to say that the Government ought to acknowledge and impartiality with the Marquess in charge of the Bill. He considered the many objections involved in it. The point on which he desired to dwell was the noble Marquess. At the Bill proposed to the House and Colleges in a difficult position he hoped the noble Marquess would explain the reason why it was adopted.

MIDDLETON said, that the Bill of last Session.

It had fallen from his hands who had moved the Bill. He was quite agreed; but he thought that there should be any further investigation, before it was clear that everything was carried out the proper manner. Under this Bill the members would not be called upon to give up their property without being told for going to give up their property. It was a fact would, he believed, be a great deal of the property might otherwise have been obtained from those Colleges which were controlled by the Commissioners for the prosecution of the Bill and as proper sources of revenue. Besides, the Bill was more symmetrical in its provisions than the former one. Its objects were more clearly defined and the means to achieve those objects were more clearly set forth. He was not at too great partiality for the University system. He was with extreme alarm any change, still more to destroy, the excellence of the present system, and he was anxious to see the safeguards embodied in the Bill

now under consideration. As the Bill was infinitely better than the one of last year, and as it had already been fully considered in "another place," he hoped it would be passed into law this Session.

THE MARQUESS OF SALISBURY said, he did not think it was necessary for him to reply to the interesting speech of his noble Friend below the Gangway (Lord Colchester), because every subsequent speaker had expressed himself satisfied with the information already obtained on the subject; and, generally, their Lordships appeared to be of opinion that they ought not for the sake of any addition to their already abundant knowledge expose the Universities to the great evil and expense of further delay. The truth was that whatever they did—whatever conclusion they arrived at, they could not within that building pass a measure wholly adapted to the Universities. That must be done within the Universities themselves—what they must do was to entrust large powers, with proper safeguards, to the Commissioners, and confide to them the subsidiary inquiries which might be necessary. Of this he was assured—that no inquiry their Lordships' House could order would be more satisfactory than that which his noble and learned Friend opposite (Lord Selborne) would doubtless think it his duty to make. In reference to what his noble Friend who had just spoken (Viscount Middleton) had said, he must, for his own part, disclaim having any animosity to the College system, and he declined to identify the non-resident Fellows with that system. All the advantages obtained from the Colleges were not conferred by the non-resident Fellows; but they involved a thorny subject, and an odium almost equal to the *odium theologicum* was approached when it was mentioned, and he had somewhat avoided it in re-introducing the Bill this Session. There was one fact he desired to recommend to his noble Friend. If he (the Marquess of Salisbury) was on the Commission, and found himself in that impossible condition of having his own way, a larger change would, he thought, be made in the case of non-resident Fellows than was at all likely to come into effect from this Bill. But he was not on the Commission, and had not the slightest influence on those who were on it. The character and attainments of its mem-

bers were well known, and he did not think the most Conservative among their Lordships had any reason to fear the adoption of revolutionary measures. As to the College system, he would only say that no men were more intensely orthodox than those who formed the Commission. He felt, therefore, that the fears of his noble Friend had no strong foundation. For his part, he did not think that the system of non-resident Fellows was destined to perpetual duration; he believed it impossible to defend it logically, but that was no necessary reason why it should be abolished at once. If they were to abolish everything, the existence of which could not be logically defended, they would have a good deal to do in the way of re-construction. He did not think that they were prepared to get rid of the system referred to at present. They would be only willing to dispense with it as far as it might be necessary to secure funds for the Universities as places of education. Then as to the constitution of the Universities—that, too, was a thorny subject. He quite agreed that as to what should form a proper constitution of the Universities there might be differences of opinion; but he was not prepared to hand over the country clergy connected with the Universities to the condemnation of noble Lords opposite. He looked upon the country clergy as the fly-wheel of the University machine. The noble Lord the late Chief Secretary for Ireland (Lord Carlingford) had made use of the phrase “the real University.” That he (the Marquess of Salisbury) thought was a phrase which he once heard from the lips of Mr. Bright in reference to the occasion when the abolition of the Paper Duties was rejected by that House. The measure, he said, was lost by 29, by those who had been brought up to vote, but it had been carried by “the real House of Lords.” He suspected that Mr. Bright was about as right in speaking of the Peers who ordinarily worked the machinery of the House of Lords as the “real” House of Lords as the noble Lord had been right in saying that those who ordinarily worked the academical system were entitled to the name of the “real University.” The truth was that the outside Members—those who formed what might be called the stragglers of any Legislative Body—were useful for the purpose he had just indicated—they prevented legislation

from falling into the hands of a clique, or being dominated by a faction, and they gave to its aims a certain degree of steadiness and persistency. He therefore by no means desired to under-rate their usefulness. There was one little matter to which reference had been made in the course of the debate, and to which he should like to advert—namely, the position of the Schools under the Bill. It had been said that they had had a stronger protection afforded to them than that given to the Colleges under the Bill. But he thought that one-half the amount of protection given to the Colleges had been overlooked. They were entitled to place upon the Commission three of their Members whenever the statutes which referred to them were under discussion. The Schools did not and could not enjoy the same privilege, because there was no Governing Body of the character which enabled the Colleges to be represented, and it was necessary to find some other form of protection. The Government, therefore, fell back upon the precedent of 1854, which affected the Schools and Colleges alike. The appearance of the Schools in the Bill was but subsidiary, and it was not likely to alter their *status*; but the protection given to them would relieve them from any fears which they might entertain. He had now only to express, in conclusion, his gratification at the general goodwill with which the Bill had been received, and the prospect which that goodwill afforded that the measure would pass into law during the present Session.

On Question, Whether the words proposed to be left out shall stand part of the Motion? *Resolved in the Affirmative.*

Then the original Motion was agreed to.

Bill read 2^a accordingly.

THE MARQUESS OF SALISBURY said, he understood from the draftsman that there were many alterations which it would be necessary to make, and he proposed to go into Committee *pro forma* on Thursday in order that the Bill might be re-printed. He should then ask their Lordships to go into Committee on the Bill on Thursday week, July 12.

Bill committed to a Committee of the Whole House on *Thursday* next.

The Marquess of Salisbury

PERSIA AND TURKEY—THE BOUNDARY.—QUESTION.—OBSERVATIONS.

THE EARL OF HARROWBY rose to ask the Secretary of State for Foreign Affairs for information as to the boundary line between Turkey and Persia which was laid down by scientific officers under the auspices of the British Government some years ago; whether it has been formally agreed to; and, if not, for what reason it has not been called into operation? The noble Earl said that, although the Question stood in his own name, he had been requested to place it upon the Paper by his noble Friend (Viscount Stratford de Redcliffe), whose authority upon the Eastern Question was supreme, and whose interest in what was going on was undiminished by the weight of 90 years. He believed that there would be no difficulty on the part of the noble Earl (the Earl of Derby) in answering the Question—although he did not know whether the reply might be altogether satisfactory to the interests concerned. He understood from his noble Friend (Viscount Stratford de Redcliffe) that the advance of the Russian forces into Asia Minor and their approach to the Persian frontier, gave more than usual interest to the diplomatic relations between Persia and Turkey. War between those two countries was averted many years ago by the joint mediation of England and Russia. The immediate cause of quarrel was a disputed frontier. The negotiation which ensued terminated in a Treaty. But fresh differences arose on drawing the boundary line. It was then agreed that a map of the whole frontier country should be made on scientific principles with the view of removing all uncertainty from the points in dispute. Much time was required for this operation; but finally all difficulties were overcome by the skill and perseverance of agents employed by the mediating Powers, and the result was a map from which no appeal could reasonably be made. On an average breadth of about 50 miles, with a length of more than 700, it presented the local details of the whole region traversed by the boundary line. It was, however, desirable to know from Her Majesty's Government whether the Turko-Persian boundary had ever been laid down in a settled and binding form in conformity with the map or even otherwise; and, if

not, for what reasons the omission had been allowed to occur?

THE EARL OF DERBY: My Lords, as my noble Friend anticipates, I shall have no difficulty in giving him an Answer to the Question he has put to me. The best way of doing so is by laying before your Lordships in the fewest possible words a recapitulation of what has passed in connection with this matter. There is a slight verbal inaccuracy in the statement implied in the Question my noble Friend has put to me. It is not correct to say that any boundary line has been laid down by scientific officers under the auspices of the British Government. What has happened was this—As long ago as the year 1843 the British and Russian Governments engaged to use their good offices in bringing about a settlement of the boundary dispute which existed between Persia and Turkey, and which at that time had very nearly led to war. In May, 1847, a Treaty was signed at Erzeroum between the Persian and Turkish Governments. The effect was to provide for the appointment by those two Governments of Commissioners by whom the boundary was to be defined. We, the British Government, were not parties to that Treaty, although we had a good deal to do with its conclusion. We agreed with the Russian Government to give our assistance in settling the boundaries, and we engaged to act as mediators in case of any dispute. In pursuance of that understanding, after the Treaty was concluded, English and Russian officers were employed in preparing maps of the country through which the boundary line had to pass. There were delays and difficulties of various kinds, with the cause of which I am not well acquainted; but the result was that those maps were not completed until 1869. In that year they were handed in. A Convention was then signed between Persia and Turkey, by which it was agreed to maintain the *status quo* pending the final settlement of the boundary. The arrangement at that time stood as follows:—The mediating Powers, England and Russia, agreed that the boundary line ought to pass within the limits of the map so prepared. It included a considerable extent of country, but the fixing of the precise boundary itself was not undertaken by the English and Russian officers—that

was left to the Turkish and Persian Governments to settle between them. But a proposal was added by the two mediating Powers that if any difference should arise the point in dispute should be referred to them for their joint decision. In January, 1875, we received for the first time an official intimation that the Turkish and Persian Governments had found themselves unable to agree upon a boundary line. Thereupon Sir Arnold Kemball was appointed on behalf of the British Government, and a Russian delegate was appointed by his own Government, to attend a Conference which was to be held on the subject. The Commissioners met and transacted some business; but the difference of opinion between the two principal parties concerned was such that no understanding was arrived at; and I am sorry to say that from that time to the present it has not been found possible to induce them either to agree between themselves to settle a boundary line or to refer the question to the decision of any other Power. Neither side—I say it with all impartiality—has shown the slightest disposition to make any concession. They both seem to have acted upon the Oriental principle of doing nothing to-day which it is possible to put off—I will not say till to-morrow, but till next month or next year. Since the outbreak of the war the question has necessarily been hung up. The Russian Commissioner has been recalled, and Sir Arnold Kemball, as your Lordships are aware, is employed upon other duties. But although there have been excessive and vexatious delays, and though I am bound to say neither party has shown any great willingness to come to an understanding, still the negotiation is not broken off—only suspended—and there is no reason why it should not be resumed when a favourable opportunity presents itself. I can assure my noble Friend and your Lordships that Her Majesty's Government are fully aware of the extreme importance of preventing the outbreak of war between Persia and Turkey, and that they will lose no available opportunity of endeavouring to avert such a public misfortune.

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half-past Ten o'clock.

The Earl of Derby

HOUSE OF COMMONS,

Tuesday, 3rd July, 1877.

MINUTES.]—PUBLIC BILLS—*Select Committee*—*Report*—Provisional Orders (Ireland); Confirmation (Holywood, &c.) * [192-225].
Committee—Sale of Intoxicating Liquors on Sunday (Ireland) (*re-comm.*) [160], *debate adjourned.*
Committee—*Report*—General Police and Improvement (Scotland) Provisional Order Confirmation (Dumbarton) * [208] — (Leith) * [211]—(Glasgow) * [210]; City of London Improvement Provisional Order Confirmation (Golden Lane, &c.) * [205]; Metropolis Improvement Provisional Orders Confirmation * [206]; Greenock Improvement Provisional Order Confirmation * [207]; Local Government Provisional Order (Sewage) * [175].
Withdrawn—Real Estate Intestacy * [40].

The House met at Two of the clock.

QUESTIONS.

PARLIAMENT—PRIVILEGE—REFLECTIONS ON THIS HOUSE.

NOTICE.

MR. BLAKE rose to give Notice that on Thursday he would ask the hon. Member for Meath (Mr. Parnell), Whether, at a public meeting, held in London on Saturday, April 21, in speaking of the obstructive conduct of himself and the hon. Member for Cavan (Mr. Biggar), he used the words attributed to him in a report which appeared in *The Daily Telegraph* of April 23—namely,

“ We have only been at the work two months, and they—the English Members—would be glad to be rid of us; but I don't know what state of mind they will be in when the end of the Session comes, nor can they devise a plan to stop us. . . . If we had only ten men we could put a stop to all their work. . . . If we can't meet them in the field and assert our rights with cold steel—”

MR. SPEAKER: Order! The Question which the hon. Member is now giving Notice of putting on a subsequent occasion to the hon. Member for Meath does not relate to any Bill or Motion before the House. According, therefore, to the Rules of the House, it cannot be put.

MR. BLAKE said, that with the indulgence of the House, he would give reasons for the Question, and conclude with a Motion.

MR. SPEAKER: The hon. Member cannot, under cover of a Motion for the

Adjournment of the House, do anything which is irregular.

MR. BLAKE: Then I will, on the earliest opportunity, call the attention of the House to the reports of *The Times* and *The Daily Telegraph* as a question of Privilege affecting the Members of this House.

STATE OF PUBLIC BUSINESS—THE HALF-PAST TWELVE RULE.

QUESTION.

MR. FORTESCUE HARRISON asked Mr. Chancellor of the Exchequer, Whether, looking to the state of Public Business in this House and the difficulties under which private Members are now contending, he will recommend the House to rescind, for the remainder of the Session, the half-past Twelve Rule?

THE CHANCELLOR OF THE EXCHEQUER: Her Majesty's Government are continually "looking to the state of Public Business in this House," and looking at the difficulties with which not only "private Members" as they are good enough to denominate themselves, but Members of the Government also, are contending, but I am not at present prepared to make any proposal on the subject. I think, after recent events, it would be proper that we should consider the whole subject, and then, perhaps, I shall be able to answer the Question of the hon. Member.

PUBLIC BUSINESS—UNIVERSITY EDUCATION (IRELAND) BILL.

QUESTION.

THE O'CONOR DON: I wish to offer a few words in explanation before putting a Question I have on the Paper. Hon. Gentlemen will remember that on Thursday the Chancellor of the Exchequer stated that the Government intended to take Supply upon every Government day, with some exceptions, including to-day, until they had made some considerable progress, and to take Votes in this order—namely, the Army Estimates, the English and Scotch Education Votes, and the Irish Education Votes. On the latter I have a Motion which is likely to raise a discussion of some length and of considerable interest in Ireland. On Thursday I informed the right hon. Gentleman that if he was in a position to tell us that the Govern-

ment could give a day for the discussion of the Bill of the hon. and learned Member for Limerick (Mr. Butt) at some reasonable period, I would not bring on my Motion on going into Committee of Supply. I made that offer with the desire not of obstructing Business, but rather expediting it, and assisting the Government to get through the work of the Session. On Friday the right hon. Gentleman held out some hopes that a day might be given. Since then—yesterday—the Army Estimates were brought forward, and notwithstanding what occurred this morning, I am justified in saying that considerable and substantial progress was made with them. If the Estimates were taken in the ordinary course, and no unusual obstruction were offered to them, we might naturally expect that the Irish Education Votes would be reached next week. I have been asked by several hon. Members whether I shall go on with my Motion or not. It would be a great convenience to myself and to several hon. Members, and to the House, to know whether that Motion is to be proceeded with or not; and I am unable to give an answer or to decide what course I will take with regard to my Motion, until I know what the Government says with regard to giving a day for the discussion of the University Bill. And I ask the question now, and not as a matter of favour to the Irish Representatives, but with the view of expediting Public Business. Having explained the object of my Question, I beg to ask Mr. Chancellor of the Exchequer, If he will state more definitely than he has hitherto done whether the Government can give a day for the discussion of the Irish University Education Bill; and, if so, whether it is likely that such day can be given before the end of the present month?

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Roscommon has accurately described what passed, but he has slightly misunderstood what I said about the Supply. I stated that the first business of the Government would be Supply in the order in which the hon. Gentleman mentions it, and I said we proposed in the present week to give every day at our disposal, except this morning, which was appropriated for another purpose, to discussions in Supply. I did not say that all other Government business would be

laid aside till we got through Supply, because there are two Bills which it is important for us to proceed with—namely, the Indian Loan Bill and the South Africa Bill; and although I adhere to the arrangement as to going on with Supply every day this week, I cannot bind myself to go on with it thereafter, to the exclusion of those Bills. With regard to the subject of Irish University Education, I understand the Question in this way—the hon. Gentleman and others look forward to a discussion upon it in connection with the Irish Education Estimates; but I am informed that it would be more convenient to Irish Members generally if the discussion arose, not on the Education Estimates, but on the Bill of the hon. and learned Member for Limerick (Mr. Butt). To that arrangement the Government are perfectly prepared to accede, with a view to convenience, but it must be on the understanding that we are not to have the discussion twice over; and what I understood to be the intention with which we made the offer was this—if the Estimates pass without the discussion being raised on the University question, we would provide a day as speedily as possible afterwards for the discussion of the Irish University Bill. That is an arrangement we are prepared to adhere to; but, of course, if the question should be raised on the Motion of the hon. Member for Roscommon, our engagement to find a day for the discussion of the Bill must be considered over. We are not bound by it. The hon. Member asks whether it is likely that a day can be given before the end of the present month. I must refer the hon. Gentlemen to some of the hon. Members who sit near him. We are perfectly unable, if matters are to proceed as they have been proceeding, to say on what day anything can be brought on. We are anxious to bring the subject forward as soon as possible; but Notice shall be given as soon as we find ourselves in a position to do so.

THE COLORADO BEETLE. QUESTION.

THE O'DONOGHUE asked the Chief Secretary for Ireland, Whether, now that it is more than probable that the Colorado beetle may reach Ireland, where its depredations would be very injurious, steps will be taken by the

The Chancellor of the Exchequer

Government to give such information as will render the recognition of the insect easy, together with instructions pointing out the best means for its destruction and the places where the deposit of its eggs are most likely to be found?

SIR MICHAEL HICKS-BEACH: I fear it is possible that the Colorado beetle may reach Ireland, though I think the hon. Member goes too far in assuming that it is more than probable that such will be the case. However, I quite agree with him as to the serious consequences that would result from any extensive ravages of this insect in Ireland; and I will, after communication with the authorities in Great Britain, see how far his suggestion can be acted upon. But I would point out that to some extent that information has been furnished by the private enterprise of the proprietor of *The Farmers' Gazette* in Dublin. Two years ago a large coloured engraving of the beetle and information as to its habits were circulated largely among the agriculturists in Ireland owing to the public spirit of that gentleman.

RUSSIA AND TURKEY—THE MEDITERRANEAN FLEET.—QUESTION.

MR. W. E. FORSTER: I wish to ask a Question, of which I have given the Government private Notice, Whether the Mediterranean Fleet, which we have been informed has left the Piræus, has been ordered to proceed to Besika Bay?

THE CHANCELLOR OF THE EXCHEQUER: Yes, Sir; it is quite true.

NOTICES OF MOTION.



BUSINESS OF THE HOUSE.—NOTICE.

MR. PULESTON gave Notice that he would move on Thursday—

“That in Committee of the Whole House no Member have power to move more than once either that the Chairman do report Progress, or that the Chairman leave the Chair, and that no Member who has made one of those Motions have power to move the other in the same Committee.”

PARLIAMENT—PUBLIC BUSINESS—LATE SITTINGS.—NOTICE.

MR. WHALLEY: I beg to give Notice that on Thursday I shall move—

“That the practice of commencing business in this House at hours varying on each day, and continuing its sittings up to indefinite and

unseasonable hours of the night and morning is at variance with experience as to the proper mode of transacting public business, and alike inconsistent with the convenience of Members and the discharge of the duties of this House,"

and I beg now, Sir, to move the Adjournment of the House for the purpose—

MR. SPEAKER: The hon. Member cannot interpose in the ordinary Business of the House. I was about to call upon the Clerk to read the Orders of the Day, which is the Business laid down by this House for itself. The Clerk will now proceed to read the Orders of the Day.

MR. WHALLEY again endeavoured to interpose, but the Clerk called the first Order of the Day.

ORDERS OF THE DAY.

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) (*re-committed*) BILL —[BILL 160.]

(*Mr. Richard Smyth, The O'Connor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Dease, Mr. Dickson, Mr. Redmond.*)

COMMITTEE ON RE-COMMITMENT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [27th June], "That Mr. Speaker do now leave the Chair" (for Committee on the Sale of Intoxicating Liquors on Sunday (Ireland) Bill); and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not expedient that the provisions of this Bill should be extended to the whole of Ireland,"—(*Mr. Murphy.*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. RICHARD SMYTH was proceeding to address the Committee, when—

THE O'DONOGHUE rose to a point of Order. He wished to ask the Speaker whether the hon. Member for Londonderry, having already addressed the House, it was competent for him to speak again in the same debate; certainly he had spoken, though briefly,

when moving the Order for proceeding with the consideration of the Bill in Committee.

MR. SPEAKER: The hon. Member for Londonderry has not spoken on the Amendment of the hon. Member for Cork (Mr. Murphy), and he is therefore quite in Order.

MR. RICHARD SMYTH: I rise to address the House for a few minutes at great disadvantage, for I feel that whilst time in the long run is fighting on the side of this Bill, the sand-glass of to-day is exhausting itself at my expense, and every moment I occupy I am giving comfort to my opponents. But, as it has been formally announced that persistent talk is to do for the Bill a work which fair argument cannot do, I may as well appropriate to myself a few minutes of the time upon which an unreasoning set has been made. I have often during my life heard of the tyranny of majorities; but I had to come into the House of Commons to learn what is implied in the tyranny of minorities. Sir, I perceive that there is a determination that minorities shall dictate to this House, and that the will alike of the country and of this House shall be thwarted and defied by a combination of Members, who, worsted in argument and in division, betake themselves to the tactics of despair, and pursue a course which, if persevered in much longer, will reduce Parliamentary government to an absurdity. My hon. Friend the Member for Cork, in that admirable speech which he delivered on Wednesday—admirable for its purpose, because it was length that was required—was particularly copious in statistics; and so profound was the impression produced by his figures that the hon. and learned Member for Sheffield (Mr. Roebuck) was instantaneously converted by them, according to his own confession. I hazard the opinion that this is the first instance in the history of the English Parliament in which an experienced and venerable English statesman was suddenly converted from the error of his ways by a sheet of police statistics read by an Irishman for the purpose of talking out a Bill. Having so flexible a mind as that of the hon. and learned Member for Sheffield to deal with, I should not wonder if he will be converted back again before this debate closes. I am sure, if statistics will do

it, we have the means ready at our hand. But was the hon. and learned Member for Sheffield ever an advocate for Sunday closing? He made a speech on the 12th of July last year against the second reading of the Bill, and read a lecture, first to the Government, and next to the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), for giving any countenance to the measure; and yet on Wednesday he got up and told us that he had been convinced by the statistics of the hon. Member for Cork. The hon. and learned Member bases his claim to have been considered friendly to the Bill on Wednesday morning last by the circumstance that he voted for the postponement of the Standing Orders that the Sunday Closing Bill might come on for discussion. Yes, he did so; and I have been obliged to rebuke some suspicious people for saying that the hon. and learned Gentleman gave that vote because he had come down to the House to make a speech against the Bill, and could not have made it all if the Orders of the Day had not been postponed. I have had to defend the hon. and learned Member against these imputations, and it was about as difficult a task as I ever undertook. Sir, the hon. and learned Member never was, I believe, an advocate for Sunday closing in the whole course of his life; and the idea that was in his mind on Wednesday that he had been suddenly convinced and converted by the Irish logarithmic tables of the hon. Member for Cork, I must regard as nothing else than a case of political self-delusion. And what was the nature of these statistics? Why, it is found that there are fewer arrests for drunkenness on Sundays in Ireland than on other days of the week, Saturday in particular; and he draws the inference from this that there is less drinking on Sundays than on other days. My hon. Friend the Member for Mayo (Mr. O'Connor Power) pertinently reminded the House that there are fewer hours for getting drunk on Sundays, only one-half the usual number. But I can assign additional reasons for the difference. We had it in evidence before the Select Committee that the persons arrested are generally the habitual drunkards, and as they are captured in large numbers on Saturday night, they are already in the lock-up on Sunday. Besides, it was

stated to us that no one is arrested for merely getting drunk. He must also be disorderly or incapable to subject himself to arrest. We were also told that friends look after drunken friends on Sundays more vigilantly than they do on other days of the week, being more at leisure. We have no means of knowing the exact proportion of young men or young women who escape arrest just because they are able to walk or are in charge of friends, or are not creating disorder in the streets. Sunday is not the habitual drunkard's day, for he is generally in gaol on Saturday night; but it is the day young men and young women, of whom the police take little notice, are exposed to special temptation, and when the seeds are sown which bear fruit in the demoralization of their after-life. Sunday is the tippling day of the young; it is not the day of revel for the drunkards. Honest working men and their wives have frequently expressed to me their wish that this Bill might pass. Why? Because their children frequent the public-houses on Sunday. These police statistics which had such an elevating influence on the mind of the hon. and learned Member for Sheffield give us no criterion of the havoc made in the morals of the young during the drinking hours on Sunday. I have not done with the statistics of the hon. Member for Cork. He ventured into another field, and undertook to analyze the votes of Irish Members on this question. He prefaced this part of the subject by an attack upon the officials and members of the Irish Sunday Closing Association. The hon. Gentleman is incapable of saying anything which he does not believe; but, nevertheless, he said things which are not true, and he said other things which he could not know to be true. He asserted that the United Kingdom Alliance supplies funds, I think he said to the amount of £250,000. [Mr. MURPHY: No, no!] Well, at all events, that they were closely connected with the Irish Sunday closing agitators. If that were so, there would be nothing to be ashamed of. But, Sir, if my hon. Friend's memory were a little more impartial in the marshalling of facts, he would not have fallen into a mistake which is only to be expected in blunted minds. This very allegation was made the subject of a searching inquiry by the hon. Member him

Mr. Richard Smyth

mittee, and it was denied, disproved, and solemnly repudiated in every form of language that could be conceived in reply to the hon. Member's own questions. I listened with astonishment as he retailed these unfounded and disproved allegations; and I confess that my wonder was intensified as I contemplated that marvellous versatility of memory whereby he could remember some things so well and forget others so easily. My hon. Friend is scandalized at the selfishness of the officials of the Irish Sunday Closing Association. I am unable to follow the hon. Gentleman into these mysterious regions of human motive; but I will say that the officials of an honourable organization stand before another tribunal than the one to which they are summoned by the hon. Member for Cork, the tribunal of his own judgment. My hon. Friend, from that high region of disinterested patriotism, where he and his Followers breathe the pure air of political life, may well find it difficult to make allowance for human weakness. But I am happy to think that I now address an Assembly of Gentlemen who are willing to take me and my Friends for what we seem to be, and not for what we may be in the baseness of our own hearts. But I am almost forgetting the statistics. Now, for my hon. Friend's analysis of the Irish vote. He impugns the accuracy of the figures published by the Sunday Closing Association. They put forward 59 Members from Ireland as having voted for the Resolution last year, and two as pairing in its favour. My hon. Friend has examined the list, and can only find 51 Irish names in the Division List in favour of my Resolution. I am very sorry that he could not find more. Seventy Irish Members actually voted in the division of the 12th of May, 1876—59 for and 11 against the Motion. These were the 11 of all Ireland. He forgot to tell us anything about the 11; but as, in the course of his speech, he said so frequently that he did not like to detain the House, we must assume that when he made omissions it was simply because he was unwilling to speak longer than two hours and ten minutes. But what is the use of haggling about the Irish vote in 1876? Let us have the Irish vote in 1877. I am not afraid of it, and I challenge the hon. Member for Cork to give up his miser-

able policy of obstruction, and meet us in fair battle. We can soon end all controversy about the Irish vote—20 minutes will do it. But we have been told that we who support this measure do not represent our constituents. Now, I dare affirm that if there was one thing which an Irish Member is good at it is understanding his constituents; and I believe that some of us—I do not say whether I include or exclude myself—vote for this Bill, not so much because we are fanatical Sunday-closers, as because our constituents expect us to do it. You need not talk to me about knowing Irish opinion. Each Member has enough to do in keeping pace with the opinion of the people who sent him here, without troubling himself about general Irish opinion. I know my own constituents, and I shall answer for no others. Each Member will answer for himself and for those who sent him here in the Division Lobbies; and I do not believe that there is one Member from all Ireland who will go into the Lobby with me knowing that his vote will oust him at the next Election. The House may, therefore, make its mind easy about Irish opinion. The fact is simply this—those constituencies where the publican interest dominates are against the Bill; and whenever that interest or power is inappreciable the constituencies are for it—there is no opinion in Ireland against it but trade opinion, and we deny that trade as trade has anything to do with Sunday. There are 28 counties in Ireland, out of which not a single Petition has come to this House this year against the Bill. We are asked to wait another year and see what a revulsion of opinion will take place. We were asked the same last year and the year before.

“Man never is, but always to be blest.”

Our opponents never are, but always to be, supported by the country. The right hon. Baronet the Chief Secretary for Ireland admitted at the beginning of the Session that he had been affected last year by the prophecies of re-action from the hon. Members for Cork and Dundalk, but that he had come to the conclusion that they were not prophets at all. Ireland will speak with the same voice to-day if she gets the chance as she did on the 12th of May, 1876. I think we have a right to expect some Member of the Government to declare their intention with regard to this ques-

tion. Are they going to remain passive and allow this minority to override the will of the House of Commons? We had better know the worst at once, that we may shape our course accordingly. I give all fair warning that a talk-out to-day shall not be accepted by me as a final struggle on this Bill. If the minority is in despair, the majority is in earnest. I want to know whether the Government wishes this question settled? It can settle it if it pleases. Before I sit down I must glance for a moment at the speech of my hon. Friend the Member for Westmeath (Mr. P. J. Smyth). His patriotism and eloquence are acknowledged in all quarters of this House, and his words have always the weight which attaches by a generous paradox to a man who stands alone. I understood my hon. Friend to speak disparagingly of any attempt made by this Imperial Parliament to govern Ireland according to Irish ideas; for, as this is an Imperial Parliament, it can only take account of Imperial interests, and not allow itself to be swayed by local sentiment. When I heard my hon. Friend laying down these great and even dread principles of Imperial policy, I could not forget that I was receiving instruction from a man who has a theory of his own for breaking up the Imperial Parliament, and who, I suppose, would not be sorry to see Imperial government rendered less tolerable than it is. I have not the least doubt that he gave sound advice from his own point of view; but I am convinced it is most dangerous advice to be accepted by the friends of Imperial government. If local ideas are to be disregarded by this House, it needs no prophet to see that the days of Imperial government on a Constitutional basis will soon be numbered. I submit that taking account of local ideas is an Imperial interest. No Empire ever long survived an attempt to govern all its dependencies by one cast iron code of law. The Roman Empire, so long as it was wise and powerful, accommodated itself to the prejudices and feelings of Provinces and Kingdoms it annexed. When it reduced another and another nation under its sway it respected their local customs, and did not disdain to elevate their gods and demi-gods to niches in its temple. Its Procurators and pro-Consuls were sent to govern African and Asiatic Provinces according

to African and Asiatic ideas. The Sanhedrim sat at Jerusalem, it may be a little overawed, but not coerced by the sceptre of the Cæsars; and Corinth was conceded something of its local liberty. It was not until the doctrine of my hon. Friend became a dominant force in the Empire, and local ideas began to be scouted as unworthy of Imperial consideration, that the fabric fell, and out of its ruins new despotisms arose. Sir, let us beware of stretching out the limbs of Ireland until they fill the Procrustean bed of a rigid English policy, for, if we attempt this, we shall at once disable Ireland, and bring a curse and dishonour upon England. Give Ireland her way when it can do you no harm, and, if you cannot attach her people to your sway, you will at least stand out before the civilized world as a Government that did its best to justify and render tolerable its supremacy.

MR. COLLINS said, he had listened with great attention to the able and eloquent speech of his hon. Friend who had just sat down, in the hope that he would have adduced arguments to meet the statistics and the arguments employed by his hon. Friend the Member for Cork (Mr. Murphy); but he had listened in vain, for he had failed to discover anything like substantial argument in favour of the Bill. His hon. Friend had accused them of a persistent attempt to talk out the measure and of defying the opinion of the majority of the House. If a small minority of the Representatives of Ireland had endeavoured by such arguments as they could employ to convince the House that this was a measure which was not acceptable to the majority of the people of Ireland, he did not see how they had exposed themselves to the accusations which his hon. Friend had brought against them. Well, the hon. Member in charge of the Bill had called its opponents a little band who were afraid to meet in fair Parliamentary discussion the majority who were the supporters of the Bill. He left the House to judge of the correctness of that statement. He believed that on every occasion on which the subject had been brought forward they had endeavoured fairly and honestly, and so far as was in their power, by argument, to convince the House, and he did not despair of attaining that object. Now, he had had very considerable doubt as

Mr. Richard Smyth

to whether he himself would have taken a part in the discussion, until he had felt that it was an obligation incumbent upon every Irish Member who dissented from the view which had been so extensively before the House, to the effect that opinion in Ireland was unanimous in favour of the Bill, to say so. He denied that view altogether, and he was there with his Friends to say that that was not so, and that not only was the opinion of the people of Ireland not unanimous on the subject, but that a majority of all classes was opposed to it. Now, there was no doubt that it was an opposite impression to that conveyed, doubtless unintentionally, that had resulted in a conviction in the minds of hon. Gentlemen and right hon. Gentlemen in the House which had induced them to give their support to the Bill. His desire was to undeceive those hon. Gentlemen who had been misled by those misstatements and misrepresentations. Now, it had been stated in the course of that debate that the minority sustaining the opposition had been led on by personal interests and considerations. For himself he must say that he had no personal interest whatever in the matter, and the only influence he was guided by was that of his own personal conviction that the Bill would be received by the people of Ireland with disfavour, and that it was a measure injurious to the happiness and contentment of the Irish people. He had stated that he himself had no personal interest in the matter, and he hoped, therefore, to be able to approach the subject unbiassed, and to examine the question solely with a view to arriving at a fair and just conclusion. Now, Ireland had a population, in round numbers, of 5,500,000. That population was divided into three classes—the upper, the middle, and the working classes. It was obvious to everybody who knew Ireland that the upper classes formed a very small section of the people. They were composed of the nobility and the landed gentry, and took a very small interest in a question of that character, inasmuch as they were, to a very small extent, influenced by its operation. Then, there was the middle class of the country; and if he might take a standard to arrive at the numerical value and power and influence of that class, he thought he could not do better than to illustrate it by the list of Parliamentary electors. What did he

find? Well, he found that this class, as represented, consisted of 53,590 electors in cities and towns, and 173,860 electors in counties, making 227,450 in all. Well, suppose the number were doubled, and all supposed to be in favour of Sunday closing, it left about 5,000,000 persons classed as the working classes who were to be dealt with by the present Bill. Those 5,000,000 were the people they were asked to legislate for and to restrain by Act of Parliament from partaking on Sundays of what had become the necessary of life with the great majority of them. He did not desire to say anything harsh or disrespectful with regard to those who were the supporters of this Bill, as he sympathized to a considerable extent with their object. He had himself endeavoured to advance the cause of temperance, and he could co-operate with them cheerfully up to a certain point; but he maintained that, instead of benefiting the people and the cause of temperance, they were actually promoting the reverse and bringing on a condition of things which everybody who desired the welfare of the Irish people must deplore. Well, what did those gentlemen tell them with respect to that Bill? Why, they told a tale which mocked at the people and challenged the evidences of experience and common sense. They told them that those 5,000,000 people came to them praying them as suppliants to protect them against temptation; that they acknowledged themselves to be weak-minded people, intemperate and incapable of restraint, and that they therefore petitioned the House to close the places where they could get refreshments on Sundays in order to save them from ruin. Was that a likely condition of things? Was there ever such a libel uttered against the independence and free action of a people? Why, everyone who had taken an interest in the social condition of the people must be aware that they were striving every day more and more for freedom from restraint and liberty of action. That was a fact they must at once recognize. They saw it in every turn of life; and yet these were the people who, they were told by the promoters of that Bill, wanted Parliament to restrain and control them, and prevent the exercise of their independent judgment in matters which they believed to conduce to their own comfort and convenience.

Why, let them look at the labour organizations of the country. Let them see the extent to which Friendly Societies, Trades Unions, and Co-operative Associations had spread. What were they to infer from these organizations? Why, that the people were becoming self-reliant; that they understood how to work and to manage for themselves; and he believed that this Bill would be an affront and an insult to the intelligence of the people. What force was there in their arguments in favour of extending the Parliamentary franchise amongst the working classes if they were incapable of self-restraint and could not take care of themselves? He confessed he was unable to reconcile two such discordant principles, and he left the task in the hands of the supporters of the Bill. There was another point which had been alluded to by his hon. Friend, and that was the Petitions which had been presented to the House. The hon. Member dwelt a good deal upon the evidence that was supplied by the Petitions that were presented to the House either for or against the measure. Well, he had taken the trouble to examine some of those Petitions, and what did he find? He thought it would be a fair and reasonable starting-point to commence on the day of the first sitting of the Select Committee on the Bill. That was on the 23rd of February, and down to the 26th of June—the date of the last of the Petitions appearing officially before the House—he found that there were 172 Petitions from Ireland against the Bill, with 73,243 *bond fide* signatures. On the other hand, he found that there 407 Petitions in favour of the Bill, with but 44,090 signatures. But there was something stranger still, and he should like to submit to the House the manner in which those Petitions were made up. Of the 407 Petitions 103 were from places in England; 146 were from Presbyterian and Methodist congregations—that was to say, from Sabbatarians. Only 158 were from the general public in Ireland, and if he were to assume the proportion that that 158 would bear towards the 407 it would give signatures to the number of 17,000 in favour of the Bill against 73,243 against it. But he had a remarkable list of 126 Petitions presented on one day, the 8th of May, 1876, from English Methodist congregations. In addition

to that he had taken a list of Petitions presented last year, and amongst those he found there had been 1,200 Petitions presented by Presbyterian and Methodist congregations, and those were represented to the House as being the opinions, or as representing the opinions, of the people of Ireland on the subject. But he might say that there would have been many more Petitions presented before this year against the Bill, but for the fact that the people did not believe that the Government would consent to so galling a measure, and that there was a feeling that the right hon. Gentleman who was responsible for the government of Ireland was not in favour of the principles of the Bill. The people of Ireland came to learn pretty well and pretty shrewdly what the opinions, to a certain extent at least, of the Government were upon this subject, and they argued with themselves that the Government would never permit a Bill of that extraordinary character, at least in its then shape, to pass the House of Commons. It, however, came to their knowledge that the Chief Secretary for Ireland wished to act justly, to give time for inquiry, and not to endanger the peace of the country by precipitate action and in experimentalizing on the people of Ireland to prepare for a more extensive agitation of a similar measure for England. When the people of Ireland were awakened for the first time to the consciousness that there was a determination to pass the Bill, and that the right hon. Gentleman had agreed to submit it to a Select Committee for examination, what was the result? From the 23rd of February there had been Petitions from *bond fide* signatories in Ireland, and while 73,243 petitioned against the Bill, he had shown by statistics that those in favour of the Bill amounted to something less than 17,000, and still they were told that the people of Ireland favoured a measure of this kind. It had been shown conclusively that this Bill would rather increase than diminish drunkenness; that it would create an illegal trade; that it would demoralize the people by teaching them how to break the law; and that it would familiarize wives and families with tippling in homes at present free from it. No doubt his hon. Friends desired, as far as they could, to promote the happiness and comfort of

Mr. Collins

the people of Ireland and to elevate their condition; but he took the opportunity of suggesting to those Gentlemen that their object would be better accomplished if they endeavoured to elevate the condition of the people by educating them. It was not the way to elevate the people of a country by passing restrictive and coercive measures. They all knew the character of the Irish people. Treat them kindly, and almost anything could be done with them. Subject them to restriction and coercion, and they knew their character. On Sunday, at present, there was only one means of enjoyment which the lower classes could have recourse to. He did not contend that it was one which, if other facilities were provided, would be either a desirable or a suitable one. But, at the same time, it must be remembered that in an agricultural country like Ireland these people came, in many cases, a considerable distance to their places of worship on Sundays. There was only one place to which they had recourse, and from that they would now be driven ruthlessly into the streets without a door open to receive them or a friend to give them welcome. The amount of drinking on Sundays was not more than one-half what it was on Saturdays, although it was the holiday of the working classes and the day when they were free to meet their friends and enjoy themselves. It was not necessary for him to dwell upon the fact that even in the places where Sunday closing was introduced it had rather increased than diminished drunkenness, and it seemed to him that if hon. Gentlemen would turn their attention to other means of ameliorating the condition of the working classes, by opening museums, picture galleries, and public gardens on Sundays, they would find ample field for their labour and exertions. He hoped the supporters of the Bill would assent to such a modification of its provisions as would considerably relax their rigid and severe character, and render the Bill acceptable to the people of Ireland.

Mr. A. MOORE took it for granted that the majority of the people of Ireland were in favour of the measure. Nothing could be more unreasonable than the minority. They came to the House four years after the question was first agitated, and asked them to con-

sider the views of the people, as if they had not been before them for the last four years. Was it not a test question at the General Election? Seven elections had been held in Ireland since then, and in every case a supporter of the Bill had been elected, and in four places opponents were replaced by promoters. Again, the Bill was carried by an overwhelming majority on its second reading; and were they to be told that all these resources and all these names, which implied so much wealth and influence, had not met in the interests of the licensed victuallers? Were they to be told that these names, that influence, and that power were not able to get up one or two meetings against the Bill? He had been told that only county Members were in favour of the Bill. He represented a borough, and he honestly believed it was the wish of his constituents that the Bill should pass. He had received from a constituency of 10,000 people a Petition in favour of the Bill signed by 2,700; and, deducting the children and those incapable of signing, that pretty well gave them every available man in the town. In the county of Tipperary some of the police districts were in the Roman Catholic diocese of Waterford and some in the archdiocese of Cashel, and in the latter drinking was prohibited by ecclesiastical authority on Sunday. Taking three Sundays in the latter diocese they found the convictions for drunkenness on those days were *nil*, five and three, as against 113, 57, and 46 in the other three districts. The principle of the Bill was likely to prove equally successful elsewhere when backed up by the civil power. He hoped that hon. Members would not persist in opposing the Bill inordinately, as it might result in the privileges of minorities having to be considered.

MR. GOULDING said, that the hon. Member for Kinsale (Mr. Collins) had told them that the Bill was for one class of persons. He denied that altogether. The Bill was asked for by the people of Ireland. Their ministers, and particularly the Bishops, of all denominations, had asked for the Bill, and the people themselves had asked for it, and he believed it would be a more useful measure to Ireland than any that had been passed for a long time. They were told of the danger of young children being brought

under the influence of drink. He denied that, as children, if they drank at all, could drink with their parents when they were out. If that were class legislation, why did not the Irish people come forward at public meetings and protest against it?

MR. S. MOORE said, he had formerly opposed the Bill because, like many others, he considered it an arbitrary measure, not likely to lessen drinking, and he thought most certainly would increase the illicit sale of intoxicating liquors on Sundays. In opposing it, he had been in the minority of Irish Members and of the House, and though he held very strongly that the rights of the minority should be at least expressed, or have the power given to them of a full expression, he thought that a measure, seemingly of such importance, that from a private Bill it was nearly magnified into a Government measure. The small minority should bow to the whole of the majority of the House. The voice of his own country had spoken in favour of the Bill, or of a modified measure, and those of his constituents who were opposed to it had remained almost silent. He would not vote against the second reading of the Bill, but would earnestly ask the promoters of it to meet its opponents half way. He asked them not to hold out for "all or nothing," but to give its opponents, who, like himself, had no interest in the liquor traffic, credit for having equally with themselves the good of Ireland at heart. He would remind them that even in legislation a little loaf was better than no bread; and they must not forget, in pleading for restriction on behalf of the thirsty few, what were the requirements of the many who did not get tipsy on Sunday. He merely wished to ask, not for the freedom of excessive drinking, but for that liberty of legitimate thought and action which hon. Members opposite strongly professed to seek and support, and at which he thought this Bill would aim a blow, should its promoters unfortunately not concede what little was asked of them. He need hardly remind them that but little opposition would suffice at this period of the Session to bar the progress of the Bill and to prevent the attainment of the object which they all alike had in view, which was simply to ameliorate the moral and social condition of their countrymen; and he did not think that would be done

by a measure which seemed to him, to a great extent at any rate, a measure of coercion.

MR. O'SHAUGHNESSY : I said last year that although I did not approve of the principles which lie at the root of this Bill, yet, as it was a social question, on which the people of Ireland had a right to think for themselves, if I found there was no strong feeling against the Bill, I would not vote against it this year. Now, looking back to the expressions of opinion which have been given during the past year, I feel bound to admit that, as regards the great body of the country—as regards the rural districts—I have come very much to the same conclusion as the hon. Member for Tipperary (Mr. S. Moore). I have not seen any strong, strenuous expression of opinion from the rural districts against the Bill. I have seen the continuance of the same feeling which previously existed in the rural districts, as far as we are able to judge, by the ordinary expressions of opinion, in its favour; and bowing to that opinion, I do not intend this year to go into the Lobby against the Bill, provided that I see that the Bill will be presented to the country with such modifications as are, in my opinion, necessary for its safe enactment and enforcement throughout the country. Except in measures connected with temperance, Parties in this House are always ready to make concessions. The doctrine and practice of mutual concession experience has taught us to be absolutely necessary, and it is only when we come to deal with Sunday closers and Permissive Bill Gentlemen that we find that doctrine cast to the winds. Now, we had evidence before the Committee with reference to the applicability of this measure to certain Irish towns—Dublin, Cork, Waterford, and Limerick; and, in the opinion of the majority of the civic representatives, the Bill is not applicable to these towns. The vast preponderance of the evidence of officials, magistrates, and others, having a special knowledge of the large towns was that this was a dangerous experiment to try in large communities. It is much wiser first to try it in small communities, and then afterwards, if it succeeds, apply it gradually to the larger ones. But when we came to vote on the Committee, the supporters of Sunday closing defeated us by a majority of 1, the Chief Secre-

Mr. Goulding

tary remaining without recording his vote in the Chair. That is the position in which the question now stands, and I am speaking here for my constituents; and I am bound to be cautious in forcing any such measure on them, and to see that the experiment is tried fairly, and to give due weight to the evidence of those who come from my town. I am bound to do what I can to insist that this measure shall not be applied to my town, amongst others, too rapidly and injudiciously. Hon. Members get up and make statements, and we are told that this is a test question. When I stood for the City of Limerick, not one word was said to me about Sunday closing, although I introduced the subject, and I said I regarded coercive measures like this as dangerous, and I would oppose it. It is stated that four out of seven by-elections have resulted in favour of Sunday closing; but is four to three anything like the preponderance of Irish opinion about which we hear so much? The hon. Member for Clonmel (Mr. A. Moore) has spoken of the working man, and has said that never, except on one occasion, had he heard amongst them any disapproval of the Bill. I say that never, on any one occasion, when I have spoken to the working men in my city, have I heard them express approval of it. I have heard grievances dilated upon; I have heard that it was a hardship in Limerick that the club should be open for the county gentleman and wealthy citizen, while the public-houses were closed to the poor man, and I have heard murmurs of discontent at class legislation. Let me warn the House that if they give strength to the idea of class legislation by going on with measures of this character, they will increase their difficulties enormously. We hear a good deal about the support of the Clergy. Yes, I know you have the Protestant Dissenting Clergy all over the country in favour of the Bill; but how about the Catholic Clergy? I believe there are 3,000 or 4,000 Catholic Clergy in Ireland, and only 877 have signed the Memorial in favour of the Bill. I believe that many of the best friends of temperance would be perfectly willing to accept a modified measure to advance the cause, and they are by no means anxious that it should be forced upon those localities where the public feeling

is against it. It is brought forward as an argument that Sunday closing exists in Tipperary and in Wexford; but surely the mere fact that the Catholic Clergy have such power as to have induced that state of things voluntarily is the very best argument against any legal enactment on Sunday closing. In Limerick we have a Protestant Bishop and a Catholic Bishop, and I am certain if those right rev. gentlemen joined together and appealed to the people and the publican to close on Sundays, or a part of the day, their influence would be amply powerful enough to effect that object without insidiously adopting legal means to effect a moral purpose. The hon. Member for Clonmel spoke of the advantage of having the aid of the civil power given to the spiritual power. Now he is a Catholic, like myself, and I should like to know what he means. This is a very delicate subject to speak upon; but I feel it so strongly, looking back to the past history of the Catholic Church, that I should be untrue to my convictions and false to my duty if I did not say this—The Catholic Church has existed in Ireland under very great difficulties; but notwithstanding the opposition of the law, and every encouragement being given to the people to resist her, she has achieved in the teeth of those difficulties greater moral victories than in any other country in the world. With this history to look back upon, will any Catholic Member come down from the high pinnacle which the Catholic Church occupies in Ireland and ask for the aid of the law? For my part, I will never do it. I believe in the vitality and power of the Catholic Church, and as long as I am a Catholic I shall never vote for calling in the power of the law to teach her morals. The promoters of this Bill make a great mistake. They seem to treat human beings, not as human beings, but as dogs to be muzzled. ["No!"] They never try to elevate their tastes, they never try to create a thirst for something else besides drink—a taste for enjoyment, for literature, for education. ["Oh, oh!"] They have not hitherto done so. The hon. and learned Member for Louth (Mr. Sullivan) says they are the very people who have done so; but I can only say that if half the money which has been spent in agitating this question had been spent in education, in bringing the people together, in opening

club-houses, and in providing rational enjoyment for the people, they would have done far more towards reaching the goal to which they fancy they are tending. You say this thing works well in Scotland, and why should it not in Ireland? There is this great difference—Scotland is a country where the people believe that the Sabbath is broken by keeping open a public-house on Sunday, and they regard it as a sin. Therefore, because the Scotch are rigid Sabbatarians, they closed the public-houses. If anyone doubts that view of the matter let them try to restrict the hours of drinking in Scotland on any other day but Sunday. There are some supporters of Sunday closing in Ireland with whom I have always found it impossible to reason; but during the sittings of the Committee I could not help observing, when the hon. Member for Londonderry (Mr. R. Smyth) was giving his hostile votes, a certain reluctance and an apparent desire for moderation, and I fear we did not get the full benefit of his own judgment on the question. I may say the same of the hon. and learned Member for Louth, who betrayed a disposition to spare the large towns; but he, like the hon. Member for Londonderry, was under the influence of uncompromising advocates of the Bill, which prevented him from extending the hand of moderation and reconciliation to us. Then there is the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). He is the great leader of temperance in this House, and what manner of man is he? He is a man of great ability, he is a man of an extremely agreeable style of eloquence, great geniality and benevolence; but I do not think I transgress the Rules of the House if I say he is not a man to whose opinions or to whose dicta we would entrust any great social subject in this House. I gather that from the tone in which his speeches on the Permissive Bill and other matters are received here. There is always supposed to be a vein of humour underlying those speeches, and there is a dormant suspicion on both sides of the House that the hon. Baronet, unconsciously almost, does not mean to press to extremes what he says on this subject. Well, then, what is your form of majority but a majority which consists of men who have no particular opinion on the subject? It consists of Englishmen who would be

opposed to such a measure in their own country; but as the people of Ireland are strongly in its favour, they would, therefore, support it. If they believe that, I quite agree with them in taking that course; but to the rank and file of Sunday closing Gentlemen I would say this—"Do as you please with the rural districts." ["No!"] Well, then, if my friends, the anti-Sunday closers, will excuse me for having made the mistake, I would say—"Do what the people in the rural districts appear to desire with regard to the rural districts; but when you come to deal with the large towns, pause before you apply to them that which the evidence which we had before the Committee shows they do not desire." I have only one word to say in conclusion. The opponents of this Bill are sometimes charged with obstruction. Now, the promoters of this Bill are, in my opinion, chargeable and answerable for any obstruction which takes place with regard to this measure. ["No, no!"] I trust the length to which I have spoken will not, at any rate, lay me open to the charge of obstruction. If it does, I can assure the House that it is not so intended. Those who advocate the Bill in its entirety decline to accept anything but the Bill, the whole Bill, and nothing but the Bill. As I have before remarked, it is only when you come to deal with the Sunday closing question, that the canon of the Constitution for gradual progress is set at naught and defied. They carry on an aggressive warfare which is unnecessary in this House and unusual. I wait with some interest to hear what are the views of Her Majesty's Government with regard to the important questions which were considered by the Committee. With regard to the rural districts, I bow to their decision; but as to the civic districts, let me press upon the House and upon the Government that harsh and decisive legislation would be extremely dangerous.

MR. SULLIVAN said, there were some 13 or 14 Irish Members who were determined to make up in the length of their speeches for the fewness of their numbers on this question. He did not include in that imputation his hon. Friend who had just sat down, and who had never to his recollection occupied a moment of the time of that House without making some contribution which

Mr. O'Shaughnessy

was useful and valuable. But what was the task which was set to themselves by this handful of Irish Members? It was to choke upon the floor of that House the voice of their own country. ["No, no!"] He would prove the truth of the statement before he sat down. He asked those hon. Members behind him how would they ascertain the voice of Ireland for the purposes of legislation? They had talked by the hour in that House; but had any one of them grappled with this simple proposition? What tests did they propose to apply before Parliament should legislate upon this Irish matter? Would anyone of them tell the House that he had taken the pains to ascertain Irish sentiment upon this question which the Sunday closers had taken? Why, they (the Irish Sunday closers) held the votes of the majority of Members in that House. But, said those 13 hon. Gentlemen who were against them—"The Irish Members have not always read Irish feelings." It was true there were men there voting in the minority who disregarded the will of their constituents which had been expressed and conveyed to them. Well, he admitted that they could not always represent the feelings of their constituents; but if they did not take the votes of the majority of the Irish Members, how else in any Constitutional country in the world was public feeling to be ascertained? Would they take it by the Press of the country—by public meetings in the country—by canvassers from door to door? He searched from St. Petersburg down to Algiers for any specimen of investigation of public sentiment ever pursued that they—the Sunday closers—had not pursued in endeavouring to ascertain the true mind of the country upon this subject. The minority cavilled at their system; but what had they themselves done? Where were their public meetings, their newspapers, and their canvassers? He would take those items one by one. First, the Parliamentary Representatives of Ireland in this House, by an overwhelming majority, pronounced in favour of the measure. It was a majority of every political section throughout the country—a majority of Irish Home Rulers, a majority of Irish Conservatives, a majority of Irish Liberals. Could they have such a concurrence of opinion without representing the voice and feel-

ing of Irishmen? Then, again, let them take the public Press of the country, which, next to Parliamentary representation, he thought might be taken to indicate the feeling of the country. Begin with the daily metropolitan Press. *The Irish Times* was owned by a princely Gentleman, who, although a brewer, had taken an independent stand on this question; *The Freeman's Journal*, owned by one whom they had lately gladly welcomed as a Member of the House; *The Daily Express*, the leading Conservative organ of Ireland; *Saunders' News Letter*, *The Mail*—there was not one amongst the daily journals of the metropolis of Ireland which was not in favour of the Bill. The Home Rule *Freeman's Journal* and the staunch Conservative *Daily Express*, the *Saunders'*, the Liberal-Conservative *Irish Times*—all were in favour of it. Turning to the weekly journals and the national journals, which some hon. Members had tried to suppress by coercion—*The Nation*, *The Irishman*, *The Flag of Ireland*, *The Weekly News*—they were all on the same side—at all events, not one opposing the Bill. There was not a popular weekly journal in Ireland opposed to the Sunday Closing Bill. But the supporters of the Bill were charged with being Sabbatarians. Well, he was a Sabbatarian. He was taught at the knee of his mother, and by the lips of his clergyman, and by the faith of his Church to be a Sabbatarian. He thanked God he belonged to a country which was a Christian land, and when the word Sabbatarian was used to him in scorn he hurled it back in the teeth of those who used it. God forbid the day should ever dawn on Ireland when the Sabbath would not be religiously kept. Those who promoted the measure were also called monomaniacs and fanatics; but who enlisted him (Mr. Sullivan) in the ranks of the cause? Why, the Catholic Archbishop of Cashel. Ah! he heard an hon. Member for a borough, who once represented the county of Tipperary, once say that when he wanted a friend he found Patrick Leahy, the ever-lamented Catholic Archbishop of Cashel, a true friend in need, in many senses besides political; and the other day that same hon. Member (the O'Donoghue) came here and stamped his foot on the grave of that departed Prelate, and called him a fanatic and

a monomaniac. In listening to the speeches of those who opposed the Bill on the ground that the liberties of the people should be protected, they must not forget that this measure of Sunday closing had been voluntarily adopted in Tipperary and in "fighting Wexford," whose inhabitants would be the last men to stand any real abridgement of their liberties. The cry was raised that this was a coercive Act. He thought it mournful to hear the phrases of a struggle for liberty imported into the service of the tap; but when he heard that little Party say how they would fight to defend their country from a coercive Bill, he looked around, and he saw amongst them the hon. Member for Tralee (the O'Donoghue), who on a previous occasion came here to scream to a foreign nation for more chains for his country. [*Cries of "Read."*] The hon. Member did not read the other day when he attempted the rôle of "Funny Man" on the woman's suffrage question, and tried to turn into ridicule the speech of another hon. Member. There was nothing more illogical and inconsistent than the action which was taken by the opponents of this measure. They pointed to the fact that according to statistics there was less drunkenness on Sundays than on other days of the week. Archbishop Whately used to ask the children at a Sunday school—"Why do the white sheep in a field eat more grass than the black sheep?" and when they could not answer, he amused himself by telling them—"Because there are more of them." So with this matter—the houses were not allowed to be open as many hours on Sundays as on weekdays. Were hon. Members in favour of opening public-houses during all the 24 hours? ["No!"] Then would they coercively close them during a portion of the time? There was no answer to that; and if they admitted coercion and prohibition for certain hours, then the principle was gone which they asserted. For his own part, he had every interest in the world in sympathy with the popular wishes of his country. Since first his voice was raised in any public issue, he had tried to be on the side of those who would free his countrymen from every shackle that would impede their onward march in liberty, education, and material improvement. Twenty years ago he was labouring to throw open the public

gardens and the squares of Dublin to the masses of the people. Who were associated with him in 1855 in that effort? He had surveyed the ranks of the anti-Sunday closers in that House, and he failed to see the face of one man who helped to throw open the squares and museums on that day. [An hon. Member dissented.] The hon. Member seemed to forget that he must have been in bits and tuckers at the time, and could not have lent a helping hand. His hon. Friend did his age great wrong. He (Mr. Sullivan) knew who the men were who did lend a helping hand. They were the Pims and the James Houghtons, and the Wighams, and the Webbs—the identical men who had since taken up the question of Sunday closing. Among them he first was taught that Sunday closing and the prohibition of drink should be accompanied by every effort to provide the people with counter attractions. He challenged the history of the Dublin municipality to contradict him when he said that the men who were the foremost in the Sunday closing movement had been the men to provide the people with healthful recreation. So far from being ashamed of the speech which he had delivered to his constituents on this subject, he was not afraid even to read the travestie of it which had been given by the hon. Member for Tralee, the light comedian of the anti-closing movement. What he told his constituents was this—"Looking to the account I must render to my God at the last day, I would willingly retire from any public honour rather than be dumb upon this question;" and he said so now.

SIR PATRICK O'BRIEN said, the hon. and learned Member for Louth (Mr. Sullivan) had taunted the hon. Member for Tralee (the O'Donoghue) with being the light comedian of the play they were now enacting; but having heard both speeches he certainly would sooner be in the position of the light comedian, than of the heavy tragedian who had just addressed them. Allusion, too, had been made during the debate to the Valley of Jehoshaphat. He (Sir Patrick O'Brien) could only regard as "bathos" the introduction of that "Blessed Jehoshaphat" into a discussion upon Sunday drinking! Were it to be referred to at all in such a connection it could only be when, perhaps,

Mr. Sullivan

the hon. and learned Gentleman the Member for Louth, travelling upon the new line on which Jehoshaphat would be a station, should be rudely awakened by the voice of the French conducteur, calling out "Jehoshaphat; dix minutes d'arret." The hon. and learned Gentleman said that drunkenness was less on Sunday than on any other day in the week, and he asked why this was so. It was because Parliament in its wisdom had thought proper to restrain the sale of liquor on Sunday. If the hon. and learned Gentleman wished to carry that view to its logical conclusion it would apply with equal, if not to greater, force to the other days of the week to which the hon. and learned Gentleman did not allude. The hon. and learned Gentleman appeared there as the advocate of temperance. Would the hon. and learned Member venture to make this promise—that if the 13 anti-Sunday closers in that House were willing to give up Monday, Tuesday, and Wednesday, and say that the public-houses should be closed on those days, would the concession be accepted by those benevolent men who assumed alone to have charge of the sympathies and interests of the Irish race? It was, no doubt, true that the Clergy of most denominations and sacerdotalism in all its forms were arrayed on the side of temperance; but did the hon. and learned Member ever go into the county which he specially represented—the county of Louth? If he did, in his drives through the rich pastures of that county, he would no doubt visit the men who could have what they pleased in their own houses. But did he ask what were the views of those who were not so comfortably off—the frieze-coated men whom he met by the roadside? Had he consulted them as to their opinions, and did he find that they were enthusiastic in favour of the Bill? Last year the Government consented to modify their opposition, if the Bill were so drawn that it excluded the large towns. Now, he ventured to say that if this stringent measure was required anywhere in Ireland it was required in the large towns where the artisans were offered those temptations which were inseparable from their congregation together in large numbers. It was a slur upon the county constituencies to say that they were unlike any other class in Ireland and required this legislation. Personally he knew some-

thing of the county of Tipperary, and in that county the influence of the Roman Catholic Bishop and Clergy had been sufficient to procure the closing of the public-houses. Could they elsewhere produce the same result, not by coercion, but by sweet persuasion? Was it true statesmanship, especially in a country like Ireland, to attempt to effect a great social reformation by the aid of the police and the dragoons? He could not agree that that was the way in which legislation should be carried out, and it was on that account that he was there to-day, for the first time, to vote against the measure. As to the Petitions which had been presented in favour of the measure, it struck him the other day, when presenting one from his own county, that a good many of the marks were made by humble people living in what might be called aristocratic quarters. The hon. and learned Member for Louth, whose mind was deeply imbued with Scriptural truths, would understand that when he looked at the signatures the Scriptural words—"His man servant or his maid servant or his ox or his ass or anything that was his" occurred to him. Certain sections of the Irish Clergy had taken a strong interest in the question. There was no denying that fact in regard to the North of Ireland; but the people of Ulster looked upon the question from a Sabbatarian point of view quite as strongly as from motives of temperance. He felt that he should be unworthy of the constituency he represented if he hesitated to give expression to the opinion which he found to prevail among them, and he was satisfied that the great majority of feeling of the classes likely to be affected by this legislation was adverse to the Bill. He did not speak of Town Councillors in particular towns, or of wealthy merchants, or rich squires, but of the poor and humble man who might be met at the roadside; and he was strongly of opinion that the proper way to treat him was to educate him into the acceptance of principles of temperance, and not to force them upon him by the exercise of tyranny. He had, as he had already said, never voted upon this question before. An hon. Member sneered when he (Sir Patrick O'Brien) cheered the suggestion of a compromise; but he would remind the hon. Gentleman that compromise was at the bottom of their Parliamentary system. They were now

in the month of July. Then let them postpone legislation for the present. He would not meet the question with a direct negative, but let it be put off, and let the Government, who, upon questions of social importance of this kind, ought to occupy the position of guardians of the public interests, let them come forward with a measure in another Session which would deal with Saturday drinking when artizans received their wages. Let them not by passing this Bill thrust down the unwilling throats of the people of Ireland a Sabbatarian measure with which they had no sympathy. They ought to respect the prejudices of the people, of the humble artizan and the humble workman, who did not possess the power of employing gentlemen from Glasgow and rich merchants from Dublin to spend their money with a lavish hand in the advocacy of their particular views. What could they reply to the reproach that would inevitably be addressed to them—"Your honour, some 10 years ago we supported you upon the hustings of such a place. We did not expect then that when the present Government attempted to filch away our rights that you would be prepared to forget us." He was there on that occasion almost the sole supporter of these small people, and for the first time in his life feeling himself obliged to record his vote on the question it should be with the poor artizan and the humble labourer.

DR. O'LEARY remarked that not a single speech that had been made or argument uttered in favour of the Bill had answered the facts and eloquent speech of the hon. Member for Cork (Mr. Murphy). The hon. Member alluded to the fact that on a recent occasion, with from 50,000 to 60,000 visitors in Cork, there was no drunkenness, although all the porter and gingerbeer had been consumed. The hon. Member for Mayo (Mr. O'Connor Power) asked, if that were so, what harm could result from Sunday closing; but it was against such a people as that that they were to legislate and impose a ban! The hon. Member for Londonderry (Mr. R. Smyth) said the opposition to the Bill was a trade question. It was no trade question at all; but it was regarded as an act of coercion, and every man with an unbiassed mind so looked upon it. The hon. Member for Londonderry said it was a burning question. So it

was, and he (Dr. O'Leary) thought the Irish Members would manage to put it out before they had done with it. There was a good old rule—"When you have a bad case, always abuse the opposite side," and this had been very much the course pursued in regard to the present Bill. The hon. Member for Londonderry said the minority were adopting the tactics of despair. Now, he (Dr. O'Leary) confessed that he did not feel any despair whatever. On the contrary, he was in the most hopeful humour possible, and he thought he should be able to convince the House that the hon. Member for Londonderry had been more ingenious in his arguments than many would give him credit for. He said, in the first place, that the people of Ireland had asked for the Bill. He (Dr. O'Leary) would take that statement and contrast it with the Petitions. About 8,000 persons in Cork had petitioned in favour of the Bill, and the last Petition presented from Cork against it was signed by 11,000. He read the evidence given before the Select Committee by a magistrate from Cork to show that the overwhelming majority of cases of drunkenness occurred on the Saturday night, and that there were comparatively few on Sunday. In one week there were 26 on the Saturday night and 13 on Sunday; in another, 49 on Saturday night and 12 on Sunday; and in another 13 against 43. The witness, therefore, expressed a strong opinion against Sunday closing altogether. He did not think the drunkenness was sufficiently prevalent to justify the Legislature in imposing penal consequences upon the majority of the people of Ireland. The witness added that the Sunday closing movement was got up by agitators, who convened public meetings and prepared Petitions. This evidence was given on the 17th of April last. On the 18th of February, soon after Parliament assembled, there were eight Petitions against the Bill, with 15,695 signatures, and 168 in favour, with 95,773 signatures. They included, however, no less than 143 Petitions from England. On the 6th of March 2,000 additional persons petitioned against the Bill, and 85,000 in its favour. This was the result of the whole gathering up in every quarter of the three Kingdoms, the result of a busy winter, and of the efforts

Sir Patrick O'Brien

of the agents of the United Kingdom Alliance, notwithstanding the fact that that Association repudiated all connection with the Bill. 85,000 signatures came in by the 6th of March, and the total number in favour of the Bill amounted to 180,000, while against it there was only a miserable 17,000. There were, consequently, on the 6th of March, 12 to 1 in favour of the Bill. By the 20th of March 6,000 were added to the 180,000, while those opposed to the measure were increased from 17,000 to 33,000. The people of Ireland by that time had begun to find out that they had been misrepresented. They said that they had been taken by surprise; that they did not believe in the Bill, and that they did not want it. From the 13th of March to the 10th of April the Sunday closers got 11,000 signatures, and the anti-closers 51,000. On the 17th of April the witness from Cork to whom he had referred gave his evidence, and it was a well-known fact that reports of the evidence were published daily in the Irish papers. The consequence was that by the 29th of April, 12 days after this evidence was given, the Petitions in favour of the Bill had only increased to 194,000, while those against it amounted to 64,000. On the 4th of May the signatures against numbered 81,453, showing an increase of 30,000 in eight days, while the Sunday closers had only obtained an increase of 6,000. Between May the 1st and May the 4th there was a further increase in the signatures to the Petitions against the Bill of 17,000. These facts were taken from the original documents presented to the House. He said most unhesitatingly that a small party in Ireland had been waiting to educate the people of Ireland upon the question. As he had already said, on May 8th those in favour of Sunday closing had only increased from 202,000 to 206,000, while up to the same date those against it had increased from 81 to 89,000, and the way the question of Petitions stood at present was very different from that in which it was at the beginning of the Session, when the Chief Secretary for Ireland was hurried into accepting the measure. At that time the Minister was led away by a trick that had been played upon the House; but when the people of Ireland found from the newspapers what evi-

dence had been given before the Committee, and when they saw what the Irish Members were asserting in the House itself, they came forward to vindicate their opinions clearly. On the 15th of February the proportions in the Petitions for and against the Bill were as 15 to 1, and on June the 5th the proportions had changed from 2½ to 1. And he should ask the Members of the Government whether they would submit to the trick that had been played on the House. There was another simple fact he would refer to. No less than 138 Petitions came from England, and if they deducted the number of signatures to these as well as the 110,000 in the Petitions from Dublin, Cork, Limerick, and the other large towns of Ireland, only 100,000 names would be left for the whole of the rest of the country. He said unhesitatingly that that was a very small proportion of names for the vast area lying outside of the towns that had sent up 110,000 names in favour of this measure, and could it be said that that in any way represented public opinion? But these Petitions were signed not only by men and women, but by boys and girls. Did they represent the opinion of Ireland? He said they did not, and for that, among other reasons, he argued that they ought to see further into it before they passed the Bill. He was glad to see that the hon. and learned Member for Louth (Mr. Sullivan) had come into his place, for he had a few words to say about him and his speech. The hon. and learned Gentleman asked how they would obtain the opinion and the views of the Irish people. He answered at once by Petitions, and by such an answer Ireland had not alone spoken, but she would still continue to speak. The Petitions against this Bill had risen in the periods he had named from a few names to 80,000, to 81,000, to 89,000, and next month, if they waited to hear it, they would speak to the extent of very like 200,000 strong. That was the way in which they ascertained the opinion of the people of Ireland. They would get Petitions signed, they would accept door to door visitations, and they would even appeal to newspapers in answer to the question of the hon. and learned Member for Louth. Mr. Russell, a clear-headed, energetic, and enthusiastic Scotchman, who had got all

these Petitions signed in favour of the Bill, was examined by the Committee that sat on the subject. He was asked by his hon. Friend the Member for Dublin (Mr. Brooks) to read a paragraph from the Circular that was distributed amongst the people, in which it was stated that arrests for drunkenness in Edinburgh and Glasgow since the Scottish Act was passed had gone down 80 per cent, and that the Act met with the entire sympathy of the people of Scotland. That ingenious gentleman, Mr. Russell, stated that the arrests for drunkenness went down 80 per cent; but what he (Dr. O'Leary) wanted to know was, whether drunkenness had decreased 80 per cent. That gentleman said so, and all he would say in answer was, that such a statement was a lie. ["Oh, oh!"] Yes, he said, he could say nothing else—it was a lie, a deliberate fraudulent mis-statement. This ingenious and honest Scotchman had given the people of Ireland to understand that that was the case. But his hon. Friend (Mr. Brooks) extracted from the Chief Constable of Ayrshire a very different statement. He told the Committee that offences against the person and against the guardians of the peace, as well as cases of drunk and incapable, had increased in a marked degree during the last year, and nearly all those offences were the result of drunkenness. But the second question put to this ingenious, veracious, and energetic Scotchman was more significant, and he trusted that when he gave it that the fact would strengthen the hands of the Chief Secretary for Ireland and the Government, as well as the House generally, in resisting any more of this twaddle from being presented. The question was whether the statement about the 80 per cent decrease of drunkenness in Scotland had influenced people in signing the Petition. And what was the answer of this simple-minded and honest Scotchman? He said he was not aware that it did. Not aware that it did? Why, how could such a statement as that do otherwise than affect simple-minded women, who would argue that if they signed the Petition there would be such a great decrease of drunkenness in Ireland that they would get 80 per cent more of the money of their husbands than they were in the habit of doing? But then this honest and simple-minded gentleman let

out in a very incidental way that the statement was meant to influence the influx of signatures. Of course it was, and no doubt it did. When the acute Scotch mind was brought to bear on the poor mind and stupid intellect of the Irish peasant they could all tell what would take place. Could anybody doubt it? Then the hon. and learned Member for Louth spoke of the journals of Ireland, and said that all the organs, daily and weekly, were in favour of this measure. Enumerating, among others, *The Irish Times*, he said it was in favour of Sunday Closing. *The Irish Times* was not in favour of the Bill, and would repudiate any such a notion. Then he went on to make the same assertion with reference to the weekly journals, and among others he mentioned *The Nation*, of which the hon. and learned Gentleman (Mr. Sullivan) is proprietor. It was very recently that *The Nation* had gone in for the policy of obstruction that was carried on in the House, and the hon. and learned Gentleman talked about his conscientiousness. Why did he not follow out that recommendation, and join the ranks of those who had adopted that policy? He believed that the hon. and learned Member was not present at a quarter-past 7 that morning when divisions were being taken. Therefore, the hon. and learned Member was not following out the opinions advocated in his own journal. The hon. and learned Gentleman also proclaimed himself a Sabbatarian, and he had described to the House how he had become so. He said he had drawn it in with his mother's milk. He (Dr. O'Leary) did not see very well how that could be; but if he did, he must have been a very smart young fellow indeed when he was in long clothes. Most people did not begin to form their opinions at so very early an age. They were not generally Sabbatarians in Ireland. But what was a Sabbatarian? He was not a lawyer himself, but he had come across a very scarce and learned work which might help the House to understand what strictly a Sabbatarian was; and perhaps after he had given the House the definition hon. Gentlemen who had proclaimed that they were Sabbatarians might not think they were quite right in the assertion they made. The book to which he referred was *Burton's Parliamentary Diary of the Proceedings of the*

Dr. O'Leary

House from 1656 to 1659. Colonel Holland said in the debate that was taking place in June, 1657, regarding penalties for Sabbath-breaking—

“We have but too many penal laws, and one hundred clauses of that kind may well be repealed. These laws are always turned upon the most godly. This is very strict as to that of unnecessary walking, and coming into men’s houses.”—[ii. 261.]

He would tell the House what a strict Sabbatarian was. In a code of laws made in the dominion of Newhaven in 1637 by emigrants from England, it was provided that “no one should either run on the Sabbath day nor walk in his garden or elsewhere, except reverently to and from meeting.” He was very much inclined to think that some of the Sabbatarians would protest against that. But there was more behind. It said—“No one shall travel, cook victuals, make beds, sweep house, cut hair, or shave on the Sabbath day.” But there is a tit-bit to come which will, I hope, appeal to the filial feelings of the hon. and learned Member for Louth. It was provided “That no woman shall kiss her child on the Sabbath or fasting day.” He quoted this, not to say a word against the conscientious belief of any man, but simply to show to what lengths men would go who were willing to submerge themselves under a word and accept all the responsibility which that word implied. Lord Chief Justice Glynn moved against the clause in the Bill for entering into men’s houses. He said—

“I move against this clause. It may be a snare to all the nation; and knaves in the night time may enter and rob men’s houses under this pretence. When an Act of Parliament gives liberty of entry, then a man may break open doors.”—[ii. 263.]

It seemed, therefore, that drinking in private houses was suspicious; but the same suspicion was attached in a much more serious degree to those held for the purpose, for Mr. Godfrey moved a proviso to limit the officers’ entry only to taverns, inns, ale-houses, tobacco-shops, victualling-houses, or tippling-houses. They included “tobacco-shops,” and he believed that these places yet caused a good deal of illicit drinking. This just showed how far-sighted people were 250 years ago. He had discussed this question with a great many people lately, and all of them gave it as their opinion that if this Bill was passed it

would lead to a great deal of drinking in private houses, with considerable harm to the people themselves, and to the destruction of family morality, and lead to more serious things still. It was a curious fact that in 1657 this very argument was used, for he found that Mr. Vincent and Mr. Chadwick, two Members of the House, not being satisfied with the proviso, Mr. Godfrey said—

“Now-a-days the greatest disorders were in private houses by sending thither for drink, drinking in alehouses being both more penal and suspicious.”—[ii. 263.]

However, there were other provisos in the Bill, the discussion of which he was referring to. He found a Mr. West saying that he hoped they would not give liberty to people to be as profane as they chose in their own houses. He argued against the proviso because it would not give idle persons permission “to sit openly at gates or doors,” and he found that they were not even allowed to “lean against their own doorpost.” A Major General Whalley—not the hon. Gentleman who now had a seat in the House, though he was glad he had traced the ancestry of the hon. Gentleman so far—he was very glad to see had put in a seasonable word against the passing of a clause preventing people sitting at their own doors, or even leaning against them, on the ground that it would

“deprive them of the very livelihood they have by the air; as at Nottingham many people that have houses in the rock and have no air live most part of their time without doors.”—[ii. 264.]

And the Lord Chief Justice backed this up by the remark that

“there was nothing unlawful or guilty in sitting at doors. It must be the same as within doors. It is but intended for example’s sake. May not a godly man that lives in a rock yet be well employed? Yet you put a negative pregnant upon a man to say that sitting at a door is more profane than standing.”—[ii. 265.]

Yet these were the view of strict Sabbatarians. One other observation of the hon. and learned Member for Louth he would refer to. He said that the hon. Member for Tralee (the O’Donoghue) had put his hoof down upon the grave of the Archbishop of Cashel. All he could say was that he did not believe the hon. Member referred to was a horse, and certainly he did not think he was an ass. The hon. and learned Gentleman

also said there was less drinking on Sunday than on any other day. How was that, he wanted to know? The hon. and learned Member said that arose from the fact that the hours capable of being applied to drinking were fewer on Sunday than on any other day. But was that so? He believed the argument would not hold water. To whom did the hon. and learned Gentleman refer? Was he speaking of those gentlemen who could sit at home, or, when taking a walk, pass a public-house, knowing they could get what refreshment they required at home; or was he speaking of the artisans, for whom he professed so much love and consideration? Where were the artisans on Sundays and on week days? He believed this was just another statement which showed how far fanaticism was capable of carrying the minds of the most intelligent men away. The hours of the working man during the week prevented his leaving work before 6 in the evening, and he very likely did not reach home before half-past 6. Before he got some supper it was after 7, and then, if he took a walk with his wife—and he hoped the hon. and learned Member did not believe that artisans did not love their wives enough occasionally to take a walk with them—it would be at least half-past 7 before he could get to the public-house. Well, all that was left for drinking was only three hours and a-half—from 7.30 to 11. Now, how many hours had he on Sunday? On Sunday his time was all his own, and he could drink from 2 till 9—seven hours. In the face of that fact was it fair to say that the working men drank less on Sunday, because the hours were restricted? There was only one word more he had to say. The hon. and learned Gentleman remarked, after looking round these benches upon which he sat, that there was no one who agitated for this Bill who did not agitate for the opening of the parks and museums to the people 20 years ago, and that there was no one who opposed this measure who laboured in that cause. In 1855 he (Dr. O'Leary) was one of the persons who were working with him. Another thing the hon. and learned Gentleman should remember was that at that time, on account of advocating national principles, he was not so much in favour as he was now. One word more he had to say. The hon. and learned Gentleman

Dr. O'Leary

said when he (Dr. O'Leary) contradicted him, that if there was such a man he must have been in bibs and tuckers. One did not know the proper time for casting swaddling clothes or for putting on bibs and tuckers, or for donning unmentionables. But if he (Dr. O'Leary) did support and work with the hon. and learned Gentleman when he was in bibs and tuckers, all the more honour to him, for in that case he was almost as smart a fellow as the hon. and learned Gentleman himself, when he learned Sabbatarianism at his mother's breast. He might have been young, but he was earnest and ardent. He remembered, too, that at that time the hon. Member for Tralee (the O'Donoghue) was the rising sun of Ireland, and received all the honours, and that the hon. and learned Gentleman the Member for Louth was anything but a rising sun.

MR. B. WHITWORTH said, that in his town (Kilkenny), of the 3,384 persons who signed Petitions, 1,680 persons were in favour of the Bill, 179 were opposed to it, and 167 returned blank forms of the questions put to them. Therefore, he found that 90 out of 100 of the people of Kilkenny were in favour of the passing of the Bill. When he appeared there as a candidate he had the honour of being opposed by the licensed victuallers of Dublin, who sent down a gentleman whom all Irish Members knew well, as he always appeared in the Lobby when there was a question concerning the licensed victuallers. He referred to Mr. Dwyer, the secretary, who stayed in the town for a week, and represented him as the greatest enemy of the licensed victuallers. Yet he could safely say that nine-tenths of the publicans of Kilkenny voted for him, although they knew he was in favour of Sunday-closing. It was not fair, from what he knew, to say that the people of Ireland were not in favour of this Bill. The hon. Gentleman who had just sat down represented a very ancient town, which he knew very well, and he (Mr. Whitworth) said that on that question four-fifths of the electors of Drogheda were in favour of Sunday closing. He challenged him to meet him in Drogheda to test in public whether or not he fairly represented the views of the electors. Another strong opponent of the Bill was the hon. Member for Dunkalk (Mr. Callan), who pro-

mised to meet him at a public meeting to discuss this question, but showed the white feather, and dared not meet him.

MR. CALLAN wished to know whether that was an expression which ought to be applied to an hon. Member who was accidentally prevented from attending the meeting? The hon. Member for Kilkenny had stated that he dared not meet him, he knowing full well that the contrary was the fact.

MR. B. WHITWORTH said, these Members knew perfectly well that they misrepresented the public opinion of Ireland; but they never discussed the question in a public meeting, as they were well aware they would find themselves in as great a minority as they were in that House. Something had been said about the United Kingdom Alliance, of which he (Mr. Whitworth) was Chairman, having voted money for election purposes. He could say that during the 10 years he had been connected with that great agency not 1s. had been spent for such a purpose. Money had been spent for publications, but not for elections. It could not be said, as a general rule, that the people of Ireland were united, but on this question they were undoubtedly so. He was aware, however, that some Members of that House were instigated by the trade organization in Dublin, but they did not truly represent the feeling of their constituents. A gentleman had been sent down by that body to oppose him in the election for the borough he now represented. He hoped the Government would allow sufficient time for the passing of this measure. If they did not, it would be a great reflection on the Parliamentary government of this country.

MR. KIRK said, that the restrictions proposed by this Bill were not at all necessary. He had lived for a number of years in an agricultural district in the county of Louth; nor did he think that the statistics that had been quoted with reference to the shortening of hours on Sunday had anything to do with the fact that there was less drinking on that day than on any other. A gentleman who had been Solicitor General for Ireland said, when this matter was brought before the Poor Law Board, that he had found by statistics that there was more drinking went on in those counties on Sundays in which restrictions were placed upon the hours during which the public-houses

were open than there was in those where there was no such restriction. Coercive measures would never, in his opinion, do what the promoters of this Bill desired; and, in fact, it had not been introduced in order to restrict the hours upon which drink should be sold on Sunday, but purely from Sabbatarian reasons. And he saw in a newspaper some time ago that Sabbatarians wished to cram their opinion down the throats of those who did not agree with them. Scotchmen were rather given to that kind of thing. He believed himself that, if they could, they would even go so far as to press people to wear the kilt. As a county Member he protested against the Bill, and regretted that its promoters had not accepted the compromise which had been offered them. The people who would be affected by the Bill were not the rich, but the poor; and he had ascertained from many of these in his own country what their feelings were upon the matter. The artizans and the labouring men with whom he had conversed told him that they were opposed to Sunday closing. Really, the drinking did not go on in the agricultural districts, but in towns. If the Bill were passed it would be regarded by the Irish people as a measure of coercion and as a piece of class legislation; and even the most ignorant would be thoroughly dissatisfied with it.

MR. O'SULLIVAN said, that in rising to oppose the introduction of this Bill into Committee, he should be careful not to introduce any old facts in doing so after the lecture which the hon. Member for Cork city (Mr. Murphy) got from *The Times* in an inspired article which appeared on Thursday last. The only remark he would make on that article was that the writer of it must not have been in the House when the hon. Member delivered his speech, as every man who heard it must admit that it was very able, and that the hon. Member brought forward a large number of new facts in support of his Amendment. He (Mr. O'Sullivan) should oppose the Bill from various reasons. First of all, he would oppose it because it was a piece of class legislation, and class legislation of the worst kind, forced on by the rich minority to curtail the privileges of the working classes. He next opposed it because, to a certain extent, it confiscated the business of thousands of small

shopkeepers in Ireland, while, at the same time, it would not put a stop to drinking, but would merely transfer part of the traffic in drink from the general body of traders to the large grocers on Saturday evenings and the remainder to the shebeen-house keepers on Sundays, without offering any compensation whatever to the sufferers by the enforcement of the measure. In the next place, he felt bound to oppose the Bill because he believed it would be found to increase both drunkenness and immorality; and, lastly, he opposed it because it was contrary to the wishes of a very large majority of his fellow-countrymen. Having given his reasons for opposing the measure, he should at once proceed to give the House some very strong evidence in support of his objections. The only way to prove that the Bill was a piece of class legislation was by referring to the Petitions that had been sent in favour of it, and to see where they came from, and how they were got up, with the class of persons who signed them. He wondered whether hon. Members ever examined the Petitions they presented to the House. If they did not he did. On his arrival in town at the beginning of February, he found a Petition waiting for him from a parish in his own county in favour of this Bill. Knowing the parish well whence it was sent, he looked over the Petition and found it contained a total of 23 signatures. Of these 23, he was aware that 16 were Protestants, and out of those 16 he was well aware that not three of them ever went inside a public-house in his life. He was very sorry to introduce the question of any man's religion into a debate, as religious differences had always been the cause of the misfortunes of his country; but he had mentioned the fact in this instance simply to show who were getting up those Petitions. Well, who signed them? They were signed by four classes—the extreme teetotallers, to whom he gave every credit for their sincerity—the Sabbatarians, who were the backbone of the movement, and who would not allow people to whistle on Sunday if they could prevent it—by a number of maiden ladies of the Moody and Sankey school—and school girls and boys over whom the parson ruled supreme. He might mention to the House that a Petition from his own parish of Kilmallock

was presented to that House by the hon. Member for Londonderry (Mr. R. Smyth), signed by 48 persons, 21 of whom were Protestants, although they formed only 3 per cent of the population. Of the remainder, five were in the employment of a gentleman who took a great interest in the Bill, two were children, who were put down as "students," and there were only 19 who could be described as "free and independent" petitioners. Yet what was the fact? He held in his hand a Petition from the same parish. That Petition was signed by 300 persons, and amongst the first who signed it he found the names of 17 out of the 19 "free and independent" individuals who had signed the other Petition to which he had referred. That was the way in which these Petitions were got up, and if the hon. Gentleman had any doubt on the matter he could examine the signatures. Having disposed of the two Petitions from his own locality, he would ask the House to bear with him while he examined the general Petitions presented to this House in favour of the Bill from the Returns of Public Petitions presented to this House, and see who presented them, and where and what sort of persons they emanated from, and then say if those were the persons hon. Members judged by when they said this was an Irish idea. The hon. Member then called attention to the Petitions presented in favour of this Bill for the last two months from England, Scotland, and different religious bodies in the North of Ireland, composed of Methodists, Quakers, Wesleyans, Presbyterians, and other sects, and showed that five-sixths of all the Petitions presented in favour of the Bill were from the Sabbatarian class. He was opposed to the Bill, in the second place, because it confiscated a large portion of the property of 16,000 or 17,000 respectable traders in Ireland without giving them 1s. compensation for their loss. It was a well-known fact that the Government could take away property if they thought it would benefit society to do so, and they gave that same power very properly to Railway Companies, which were a benefit to society; but it was a very well understood maxim that the Government never took the property of any person without making compensation to the persons who suffered; but the promoters

Mr. O'Sullivan

of this Bill had made no provision whatever for those who suffered by their Bill. On this point he would quote the opinion of the Lord Chief Justice of the Queen's Bench in Ireland, who said that existing vested interests should not be extinguished, even for a legitimate object, without full compensation. Alluding to the reduction of public-houses in Dublin, he said not even the Government could close up those houses without giving compensation to their owners for the loss they would sustain. When Parliament abolished slavery in their Colonies they made compensation to the owners of those slaves, though it was a trade few men sympathised with. In fact, it was a trade which Englishmen felt ashamed of; yet, notwithstanding this, they gave compensation to those who trafficked in human flesh simply because they were depriving them of part of their property. Then, again, when they abolished purchase in the Army, they gave compensation to the officers who suffered by the change. Notwithstanding the fact that purchase in the Army was declared illegal by an Act of George III., that did not prevent this House making compensation to all who suffered by the change. In the present case they were going to destroy a portion of the property of a number of regularly licensed traders, and he asked the House if they considered it just or right to do so without compensating those men? If they did so, what would the publicans and their friends justly say, but that because they had no friends in the large Clubs of London, or they had no influence with either of the great Parties who managed the business of the State, they were plundered out of their property without getting 1s. compensation. Would that add to the confidence or good opinion of English government in Ireland? No, it would still more weaken that which was feeble enough already. They had been told that this Bill would put a stop to the drunkard, and make a sober man of him. He (Mr. O'Sullivan) wished that it did, for there was not a man in that Assembly who would support a measure having that result more warmly than he would; but how had it been shown by any of the eloquent advocates of the Bill that it would lessen intemperance? On the contrary, he showed the House on the second reading of the Bill, by means of a Return obtained through Lord Emly,

that there were more cases of drunkenness in equal populations in the part of the country that he had the honour to represent, where the houses were closed on Sundays, than there were in the portion of the same county where the houses were open on that day. Before sitting down he wished to give the House some other reasons to prove how very few people in the country were in favour of the Bill. At two Catholic churches in the county which he represented Petitions were laid on the tables at the doors of each during two Masses, and the clergyman called the attention of the people to those Petitions. At one of those churches, where there was a population of 900, the Petition was signed by 12 persons; and at the other, where there was a population of over 1,500, it was signed by just three persons. Then, again, in the principal bank of the town in which he (Mr. O'Sullivan) resided, the local gentleman who, he had already told the House, was very active in getting up Petitions in favour of this Bill, left one of those Petitions on the public counter for the purpose of having it signed. He (Mr. O'Sullivan) had occasion to go to the bank for five consecutive days, and through those five days there was not a single name signed to the Petition, though thousands of persons must have seen it in that time. Would the House require further proof to show how unpopular this Bill was amongst the people whom it affected? The Sunday closers depended more on votes than they did on arguments in carrying their Bill. If the Sunday closing gentlemen laid out one-half the money they were spending in promoting the Bill on the improvement of labourers' dwellings in Ireland, they would find they would do far more to promote the cause of temperance and morality than they could ever accomplish by the Bill now before the House. But the fact was, that these people looked upon the tradesmen and labourers in his country as a parcel of children who required to be watched in all their movements. On Sunday drunkenness was much less in proportion than on any other day in the week. The arrests on Sunday in Leitrim, instead of being 1-7th, were only 1-30th; in Londonderry, 1-36th; in Louth and Roscommon, 1-15th; in Mayo, 1-13th; in the North Riding of Tip-

perary, where the public-houses were open, 1-18th; and in the South Riding, where they were in a great part closed, 1-13th. In four districts of Tipperary, where the population numbered 23,270, and the public-houses were open, the convictions for drunkenness on Sunday in 1876 were 649; while in three districts of the same county, with a population of 4,352, where the public-houses were closed, the convictions were 894. Take the Tipperary petty sessions district, with a population of 16,953—a district where total Sunday closing was carried out at the request of the late Archbishop—and compare it with several similar sized in the neighbouring counties where the public-houses were open on Sunday. The total number of convictions for drunkenness in this district for the year 1876 was 771. The nearest town he could get in the next county where public-houses were open on Sundays, with about an equal population, was Fermoy, county Cork. With a population of 15,179, or a little less than Tipperary, the convictions for drunkenness in 1876 were 219, or very little more than one-fourth the drunkenness which took place in the district where Sunday closing was observed. The next town he could find with a similar population to that of Tipperary in the next adjoining county was Newcastle West, in the county Limerick. With a population of 16,987, or just 34 persons more than Tipperary, he found the convictions for drunkenness in that district, where the public-houses were open on Sunday, during the year 1876 was 390, or about one-half the convictions that took place in Tipperary, with a smaller population, and where the public-houses were supposed to be all closed on Sundays. It was true the House referred this Bill to a Select Committee; but what confidence did they think would be placed in that Committee by the people of the South, the West, and the East of Ireland, when they found that more than one-third of the Committee was composed of Representatives from the Scotch, Sabbatarian North of Ireland, where nine-tenths of the agitation for this Bill was carried on, and that more than one-fourth of the Committee was composed of extreme teetotallers who would look on it as almost a crime for any man to take a pint of beer or a glass of whiskey? He had given the House some statistics;

Mr. O'Sullivan

but if he were to go through them all he would require two more hours to finish his observations.

It being now ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

VACCINATION.—RESOLUTION.

EARL PERCY, in rising to move—

“That it is expedient that an inquiry should be instituted into the practice of vaccination, for the purpose of ascertaining whether it cannot be conducted in a more satisfactory manner than it is at present,”

said, he did not bring the question forward because he was in any sense opposed to vaccination. On the contrary, he emphatically stated that no one could have a higher estimate than he had of the value of vaccination; and his object on that occasion was, if possible, to improve the present mode of practising it rather than in any way to diminish the benefits accruing from it. There were a class of persons in this country who called themselves anti-vaccinationists. They were not very numerous, but their number was increasing, and they were extremely active. The language which they held, while in many respects foolish, was to a certain extent mischievous, and worthy the attention of those who had the control of the manner in which vaccination was carried out. He confessed he had a certain sympathy with those persons; but he was not disposed in any degree to palliate their resistance to the law or their efforts to incite others to resist it. Neither was he inclined to defend those who, he was sorry to say, in different parts of the country, occupying posts of trust for enforcing the law, showed themselves very slack in putting it into operation. He was, however, anxious that those who opposed vaccination should be left without a shadow of excuse for their conduct. The notions of those persons were in many ways very erroneous. Since he had taken up that subject he had received many letters about it from various sources. In one of them the absurd idea was expressed that the

failure of the French in the Franco-German War was due to the fact that all French soldiers were subjected to compulsory vaccination. The agitation on that question had almost assumed a political character, electors being urged to sign a pledge that they would vote in favour of no candidate for a seat in that House who did not promise to oppose compulsory vaccination. There was no greater pest than the taking up of a catch-cry and making it a test question at elections, and vaccination was about the last subject that he wished to see treated in that way. An article in one of the organs of the anti-vaccinationists was headed "The wickedness of enforcing unjust laws and the duty of resisting them." Now, there might be a question whether a particular law was good or bad, but when a law was once established it was incumbent on all good citizens to respect it. The spirit which actuated some of the anti-vaccinationists prompted them to suggest that where vaccination had been compulsorily carried out, means should be employed to render it a failure. He did not know whether any antidote to vaccination was known; but the spirit to which he had referred ought, if possible, to be suppressed. Members of the highest classes of society, and even of that House, had expressed to him their disinclination to allow their children to be vaccinated from the ordinary lymph, but only from lymph which they could trace from an undoubted source. That might or might not be reasonable; but it at any rate showed in some minds certain doubts of the nature of the lymph that was now generally used. It was desirable that we should take away any excuse for such a feeling, and give them the certainty that the lymph was the purest and the most efficacious which could be secured. The statistics upon the subject were frequently quoted to show the most contrary results; and, therefore, he should use them only with the greatest diffidence, leaving the House to take them for what they were worth. The allegations made against the lymph now in use were twofold—firstly, that it had by constant transmission through various persons lost its force; and, secondly, that it was a vehicle for other maladies. With regard to the first of these allegations, he thought it was admitted by the right hon. Gentleman the President of

the Local Government Board that there had been very little new lymph introduced into the public vaccination establishments for the last 70 years; and hon. Members might judge for themselves whether the lymph in use was not likely to have deteriorated in that time. Before Jenner instituted vaccination in 1796, the deaths from small-pox were 52,000 annually. But from that date down to 1825 there was no epidemic of small-pox. In 1838 there was a small-pox epidemic; another in 1840-1; others in 1845, 1848, 1851-2, 1857-9, 1863-5, 1870-2, and at the present time. The deaths in the epidemic of 1857-9 were 14,244; those in 1863-5, 20,059; and those in 1871-2, 44,840. The increase of the population between the first two of those dates was 7 per cent, and of deaths from small-pox nearly 50 per cent; and between the second and third periods the increase of the population was 10 per cent, and of the fatalities from small-pox 120 per cent. From 1854 to 1863 there were 33,515 deaths, and from 1864 to 1873, 70,458; and the Registrar General, in his Report for 1872, said that while the annual mortality in the 20 years was at the rate of 2·4, in 1871 it was 10·24, and in 1872 8·33, and this with the most laudable efforts to extend vaccination by legislation. It was sometimes said that the number of deaths were fewer in comparison with the number of cases; but that would not defeat the position which he took up. The weakness of the lymph now in use had been long admitted. As to the idea that other diseases were transmissible through vaccine lymph, that was of course a subject that required a professional mind to appreciate the facts of the case. In 1857 it was the almost universal opinion of doctors that vaccination could not carry with it any other disease. Mr. Simon, Medical Officer to the Privy Council, in his Report, said that almost all the most eminent doctors in all parts of Europe denied the possibility of any other malady being transmitted by means of vaccination. But the opinions of doctors on that subject had very materially changed within the last few years. M. Ricord, Mr. Simon, Dr. Ballard, and Mr. Hutchinson, were instances of those who had at length admitted that diseases might be, and, indeed, were sometimes, transmitted by vaccine lymph. Admitting that evil

might occur from the use of impure lymph, the first doubt was as to how great that danger was. As long as that doubt remained in people's minds they naturally took considerable interest in obtaining lymph as pure as possible, and in being able to trace it to its source. He might be asked what remedy he had to propose for this state of things. He candidly confessed that he had no remedy to propose. He did not think himself competent, and he rather doubted whether the House itself was competent, at once and directly to propose such a remedy. But if what he had stated was true—if small-pox was on the increase, and if, on the other hand, the transmission of disease by vaccine matter had been proved to have occurred, he thought that he was justified in moving that some further inquiry should be made into the subject. He should be content to leave the form of the inquiry, whether it should be by Commission or Committee, to the Government and the House. Perhaps, however, he might venture to suggest that further inquiry should be made into the results of the Belgian system of vaccination from the calf, which, it was asserted, had been most successful. It was true that some time ago the President of the Local Government Board had, in reply to the hon. Baronet the Member for Mid Surrey (Sir Trevor Lawrence), stated that Dr. Seaton had reported unfavourably of that system as being uncertain and violent in its effects; but it must be remembered that Dr. Seaton made his investigations into the Belgian system in 1869, and that it had been greatly improved since then. *The Lancet*, in commenting upon the answer of the President of the Local Government Board, declared that the time had come when further investigation into that system had become imperative, and that the feeling of medical men in Belgium was steadily growing in favour of animal vaccination. He therefore suggested that the point to be investigated was whether the statements publicly made in Belgium on this subject were correct or not; and in the event of their being shown to be incorrect, what means could be adopted in this country for obtaining purer lymph than we now possessed. He knew four or five medical men in this country who had for some time practised animal

vaccination with the greatest success, and he had also heard that it had proved equally successful in America. He must remind the House that our Vaccination Laws were of an exceptional character, and that, therefore, it was especially necessary that we should guard the child whom we vaccinated—often against the will of its parent—from even the suspicion of danger. He thought that no expense of a moderate amount should be spared to bring this question to a successful issue. The Amendment of the hon. Member for South Durham (Mr. Pease) was one from which, speaking for himself, he should not dissent; but if any hon. Member could devise any better means than at present existed by which vaccination could be carried out, he would throw no objection in the way. He was strongly of opinion that there should be some inquiry into the practice, as to whether an improvement should not be made in the carrying out of vaccination, and therefore it was he brought forward his Motion.

MR. GREENE, in seconding the Resolution, expressed his regret that there was not a fuller House to listen to the debate upon this subject; but after the proceedings of last night the thinness of the House was not a matter of surprise. The subject was one which was occupying the public mind in various ways. There was no doubt that there was much misunderstanding on the question. People were apt to believe that every attempted operation of vaccination was successful, but such was not the case, and he made this statement on the authority of several eminent medical men. There was no doubt, however, that wherever persons had been properly vaccinated the cases of small-pox had been very few indeed, and there had been scarcely any deaths; and, therefore, he was the more anxious to remove all possible objections that could be raised against it. Like all other scientific questions, vaccination required occasional investigation, as new facts were discovered; but he thought there could be no doubt as to the general proposition that its effect was beneficial, and the facts which had been quoted by the noble Lord made it equally clear that vaccination by means of animal lymph had better effects than were produced by means of the lymph ordi-

Earl Percy

narily used. It was important that at the present time an inquiry should be made, and he hoped that the Committee asked for by the noble Lord would be granted.

Motion made, and Question proposed,

"That it is expedient that an inquiry should be instituted into the practice of vaccination, for the purpose of ascertaining whether it cannot be conducted in a more satisfactory manner than it is at present."—(*Earl Percy.*)

MR. PEASE, in rising to move, as an Amendment, to add—

"And whether the Law relating to the accumulation or repetition of penalties for the same offence does not require amendment,"

said, he agreed entirely with the views of the noble Lord as to the importance of vaccination; but he wished to bring again before the House the question of inflicting cumulative penalties upon offenders against the laws relating to vaccination. He had already brought the question before the House in a general form on one or two occasions; but, as he saw no similar opportunity in the course of the present Session of doing so, he had thought it right to raise it on the matter of vaccination, the law concerning which, as far as the question of penalties went, seemed to him unduly harsh. In judging of the results of vaccination, they ought to make some allowance for constitutional derangement, difficulties in the carrying out of the law, and want of experience in the practitioner. When, however, they came to consider the subject of cumulative penalties, they ought to remember that, according to the Return before the House, there had been, from 1870 to 1874, 5,490 prosecutions, 2,650 convictions, 103 double convictions, 43 persons convicted three times, 20 five times, four 9 times, four 10 times, one 12 times, two 16, and two 19 times, for non-compliance with the Act. Such a list as that formed, in effect, a great barrier in the way of carrying out a sanitary law. He had received letters from various counties, the writers stating that they had suffered many penalties, one to the extent of £45; another, who had been fined £19 in two years, and would suffer more rather than have their children vaccinated. They had also the case of a Board of Guardians marched off to York Castle to purge their contempt for

disobedience to the law. He did not deny that compulsion might be necessary; but the kind of compulsion that ought to be resorted to was a different matter. A police officer could not enter a cottage by force and carry off a child to be vaccinated. The child remained unvaccinated, and all the law did was to fine the parent. The law, as it now stood, was one law for the rich and another for the poor, because the rich man could afford to pay the fine and the poor man could not. There was a good deal of distrust of medical men amongst the working classes; because unless sufficient care was taken it was, of course, possible to inoculate a disease worse than small-pox itself. He had in his hand a letter from a gentleman who stated that he would rather pay any amount of fines than have his only surviving child vaccinated. He had lost his other children who had been vaccinated, but the child in question was a healthy child, and he would suffer any penalty rather than submit it to the process. There was no logic in their present proceeding; for, as he had said, the child was allowed to go free and remain unvaccinated, while cumulative penalties were heaped upon the parent. It was a question of the degree of compulsion that should be used to attain the object which they had in view. As long as the present uncertainty existed, it was impossible to go on with the present system of accumulating fines upon the head of the same luckless individual. If there were those who did not believe in the theory of vaccination, he thought they should be let off upon as low terms as possible, as long as the merely idle and careless did not escape. His object had been to show the great hardship of these fines upon people who, having seen the effect of vaccination upon their own families, demurred to having their children poisoned by this process. The hon. Member concluded by moving his Amendment.

MR. JAMES, in seconding the Amendment, said, that this question had not been discussed in the present Parliament; but if the present system was to be maintained it would be necessary to have some inquiry into its working. The statistics were imperfect, and it was difficult to make out how far vaccination had been really successful. A certain number of people were opposed to it, and it

was only by repeated inquiries and discussions that its great advantages would be generally recognized, and not by imposing these constant penalties, which amounted in some cases to persecution. Would Members of that House like to take their children to be vaccinated at some low vaccination-station like Bethnal Green or the purlieus of Westminster, where they could make no inquiry as to the antecedents of the children from whom the vaccine matter was taken? It was almost impossible to controvert the result of the Report of the Committee of 1871—namely, that cow-pox was a very great protection against small-pox, and if the operation were properly performed injury to the health would not follow. Some poor children, and even adults, had been injured by vaccination, and by the use of dirty instruments. He trusted that the Government would adopt the principle of the Scotch Act. Even with all these cumulative penalties the State might go on fining, but did not secure the vaccination of the child. In the case of Abel he hoped the right hon. Gentleman opposite would prevent further prosecutions against him. The feeling out-of-doors was not so much against the right hon. Gentleman as against the officials of the Local Government Board, who wished, apparently, to be autocrats.

Amendment proposed,

To add, at the end of the Question, the words "and whether the Law relating to the accumulation or repetition of penalties for the same offence does not require amendment."—(*Mr. Pease.*)

Question proposed, "That those words be there added."

SIR TREVOR LAWRENCE, having vaccinated thousands and superintended the vaccination of tens of thousands, thought the dissatisfaction which prevailed in the country was somewhat exaggerated, and that it was largely counteracted by a very strong feeling in favour of vaccination. He deprecated the idea that the subject could be treated from the point of view of those who thought they knew their own constitutions and those of their children—a notion which, if carried out, would lead to such practice as that of the ship surgeon, who said to his passenger patients—"You are old enough to know your own constitution; there is the medicine chest; take what you think will do you

good." The statistics relating to the attendants at the London hospitals were remarkable, as showing an almost complete immunity from small-pox on the part of those who had been re-vaccinated; but vaccination could not be done carelessly, or in a hurry. The operation in itself was not an uncertain one, and the failures were due to the want of care and skill on the part of medical men, one of whom surprised him the other day, when vaccinating a child of his own, by using ivory points instead of fresh lymph from the arm or tubes. He hoped the President of the Local Government Board would favour all measures that could promote efficiency; and, in particular, that he would do what he could to facilitate animal vaccination. One medical man in London had kept up a supply of animal vaccine; but the expense of maintaining it was so considerable, and the applications for it were so few, that he was obliged to give up keeping it. What was really required was a sufficient supply of animal lymph for emergencies like that caused by the small-pox epidemic of the present year, to meet the prejudices of those who objected to vaccination from arm to arm.

MR. HOPWOOD warned the House against committing itself to any dogmatic certainty on the subject of vaccination, pointing out that the unanimity which once prevailed among the Medical Profession in reference to the now discarded and prohibited system of inoculation ought to make people cautious in that respect. The question, he urged, was not altogether a medical one, but ought to be viewed in relation to the feelings of the people who were subjected to the law. It was proved before the Select Committee which last inquired into this subject that vaccinators were sometimes careless; that diseases of the most loathsome character were sometimes introduced into the system by the process of vaccination; and it should not be forgotten that some of the vaccine matter now used had been passing from arm to arm and from system to system for 70 years, for nearly all the matter used was derived from that which Jenner first obtained from animals. Was it surprising, in these circumstances, that some people should have a deep-rooted and conscientious objection to the vaccination of their children? For his own part, he was not

Mr. James

disposed to counsel people to submit passively to laws which in their hearts they thoroughly disapproved, especially when their conscience and their health were concerned. The case was eminently one for inquiry. At present, although the information we possessed on the subject was limited, magistrates set themselves to enforce the law in something like passion, being apparently resolved to make the unhappy persons who objected and were brought before them bend submissively to the yoke at any cost; and the country had seen the illegal spectacle of the Chairman of a Board of Guardians directing a prosecution and afterwards himself sitting on the bench of magistrates to try the case. In one case which had come to his knowledge it was said that a man had been summoned for vaccination offences no fewer than 44 times since the year 1870, and another had been prosecuted 16 times. He regretted that the Registrar General had taken up so pronounced a position on the question, because his doing so was calculated to throw doubt on his impartiality. He contended that the Amendment of the hon. Member for South Durham (Mr. Pease) should stand as part of the original Motion of the noble Lord, and he hoped that it would be carried.

Mr. SCLATER-BOOTH observed that the debate had travelled over a wide field, and he felt himself placed in a position of some embarrassment, inasmuch as his noble Friend who brought forward the Motion had stated at the outset that he was in favour of compulsory vaccination; but the Mover of the Amendment had laid down propositions and doctrines entirely antagonistic to those which his noble Friend had advanced. Dealing first with the Motion, he must, however, say that his noble Friend had produced no evidence whatever to substantiate the accusations which he had preferred against the practice of compulsory vaccination in this country. He had adduced no names of physicians, no authority whatever for his imputations against that practice. His noble Friend stated that vaccination was unpopular among large classes of the people. No doubt compulsory interference between parent and child might be unpopular, but Parliament had decided that such interference was required in the public interest; and the

medical testimony on which the Act was based was accepted by the great mass of medical men, not only in this Kingdom, but in Christendom. His noble Friend assumed that the lymph now in use among the doctors of this country had lost its efficacy; but he did not say on what foundation that assumption rested. [Earl PERCY: On statistics.] His noble Friend had adduced statistics with the view of showing that small-pox was now more prevalent and more fatal than in times past, and he could not now undertake to follow him with statistics which might be brought forward in opposition to that allegation. He knew, however, that in the last century 1-14th of the whole deaths in the Kingdom arose from small-pox; that asylums were filled with persons who had been blinded or crippled by the disease; and that one-fifth of our soldiers and Militia then suffered more or less from the results of its ravages. He thought he need not undertake at this time of day to prove what he believed was an admitted proposition—not only in the House but in the country—that small-pox was held in check by the system of vaccination. The noble Lord had not convinced him that he had any authority for making his statements to the contrary. The noble Lord assumed that vaccination from the cow would produce more satisfactory results, and would, in fact, enable us to enforce vaccination in a way that he thought would be justifiable. Well he (Mr. Sclater-Booth) could only say in reply to that statement that although the greater part of the lymph now in use in this country had been derived from the Jennerian stock the Vaccination Establishments never neglected an opportunity when it presented itself of introducing new stocks of lymph, and one of the establishments in London was supplied almost entirely from new stocks derived direct from the animal a few years ago. The noble Lord was, therefore, quite in error in assuming that the whole of the vaccine matter in use in this country was worn out by reason of lapse of time. Then they had had some experience of the validity and satisfactory character of the new stocks of lymph. The results were extremely satisfactory, but not more satisfactory than those obtained at any of the other vaccine stations where the old stocks were used. Again,

he must say when his noble Friend had asked for inquiry, that it was only in 1869 that Dr. Seaton, on behalf of the Government, made a personal investigation into the condition of animal lymph in Belgium, France, and Holland, and the result of his investigation was to be found in a most elaborate report, which he (Mr. Sclater-Booth) then held in his hand, and which he recommended to the study of hon. Members who took an interest in the subject. Very interesting experiments had been made with regard to lymph, and he did not at all wish to deprecate the continuance of experiments. On the contrary, he had had many communications with the medical officer on the subject, and that gentleman had assured him that he was willing and ready at all times to make experiments and follow the lights which modern science might throw upon the subject. So late as 1875 the French physicians discontinued the use of vaccine matter direct from the animal, having found that it produced no better results than those produced by the ordinary lymph, while the effects appeared to be much more uncertain. With regard to the wide-spread feeling that was said to exist among the public in reference to the operation of the present system, he was not aware that there was evidence to show that such a widespread feeling did exist, although no doubt additional interest had been awakened by the recent outbreak of small-pox; and he had no reason to suppose that there was any foundation for it in the minds of medical men of authority. He was quite willing, however, to assure his noble Friend that the attention of the medical officers of his Department would be continually directed to this subject, and that the Government would spare no expense either to continue experiments, or to make fresh ones, or to send out gentlemen to make inquiries such as were made a few years ago with the view of ascertaining the most recent practice and experience on the subject. Meanwhile, the information before him did not lead him to suppose that the mischief which was supposed to arise from the practice of vaccination as at present pursued would be at all cured by the new species of vaccine recommended. The hon. Member who seconded the Motion (Mr. Greene) had used arguments which he (Mr. Sclater-Booth)

thought were contradictory of each other. He repeated the complaint that in the course of years the vaccine matter had become effete; but, on the other hand, he stated in the most unqualified terms that the nurses in the London Hospital, who had been subjected to the most frightful chances of catching the disease, had been secured against it by the process of re-vaccination. If the vaccine matter employed in those hospitals had been effete, as described, how was it possible that those extraordinary results could have followed? But he did not understand that the efficacy of vaccination was the point now in question. Upon that all seemed to be agreed. He was in constant communication with the chairmen and managers of the metropolitan district hospitals, and he had been informed by skilful medical men that there was no reason whatever to believe that small-pox had lost either its virulency or its epidemic effect, or that it was less kept in check than heretofore by the practice of vaccination. Certain it was that though the number of deaths arising from small-pox during the past Autumn and Spring had not been great compared with deaths from the same cause in previous epidemics, the character of the disease was as loathsome as could possibly be conceived. Although the practice of vaccination might be open to some observation, it was a provision with regard to the health of the community which it would be criminal on the part of those in authority to ignore. The noble Lord being desirous not of upsetting the vaccination laws, but, on the contrary, of enforcing them with a stringency which he himself should scarcely be inclined to advocate, had suggested that animal lymph should be used in vaccination. The hon. Member for South Durham (Mr. Pease) having failed in obtaining a second reading for his Bill, which he regretted, had now moved an Amendment to the effect that the inquiry proposed by the noble Lord should be extended to the subject of the expediency of continuing the accumulative penalties against those who were guilty of a breach of the law on this subject. It was quite true, as the hon. Member stated, that a Select Committee of the House of Commons which sat in 1871 had recommended among other things that no penalty beyond the second should be enforced

Mr. Sclater-Booth

against those who persisted in breaking the law. Various other suggestions had been made, some of which were plausible, and others of which were reasonable, by which the difficulty with regard to these accumulative penalties for the same offence, which he admitted were without parallel in our law, might be avoided. These suggestions were doubtless worthy of consideration; but the main difficulty was that those who objected to vaccination denounced them all, and they would even eschew the proposition of the hon. Member (Mr. Pease). The fact was that the feeling of some of the persons who were opposed to vaccination approached that of religious conviction, and such persons would repudiate all the suggestions which had been made as unworthy of consideration by anti-vaccinationists. But, he must ask, was Parliament prepared to go the length of abrogating all the laws upon this subject? That was the difficulty in which he found himself placed. When first he acceded to the office he now held he found existing among certain classes a feeling on the subject which commended itself to his sympathies as pointing to an anomaly in the existing law; and it was in the hope of mitigating the hardships of that law that a measure was passed through Parliament in 1874 with the view of enabling the Local Government Board to make rules and regulations as to the way in which the law should be enforced. It had been suggested that something further ought to be done towards putting a stop to the infliction of repeated penalties for the same offence; but it was difficult to know where to be peremptory and where to leave a discretion to the local authorities. As long as these laws remained in force it appeared to him to be absolutely necessary to leave it to the discretion of the prosecuting authority to say whether it was for the advantage of the community that these penalties should be enforced or not. He thought that he had sufficiently indicated the feeling of the Government that these repeated prosecutions should not be lightly undertaken. He, however, was not prepared to say that in districts where the Anti-Vaccination Society had interfered unduly to prevent the wholesome operation of the law that the Guardians were not justified in instituting these prosecutions and the magistrates were not justified in convicting

and enforcing the penalties. He had repeatedly had his attention called to the subject, and he should have been glad to ask Parliament again, if he saw his way, to consider it; but, as he had stated before in answer to Questions, he doubted whether the Government could carry through Parliament a Bill which would have the effect of cutting down those penalties and breaking down the stringency of the existing law. At this stage of the Session it was not possible for the Government to propose any alteration in the law during the present year; but whether it might be possible in future years to propose legislation to meet the views of hon. Members opposite, he could not say. It was perfectly true that Mr. Simon was never in favour of the cumulative penalties. The difficulty was to avoid, in any change of the law, breaking down the securities which the law now gave. They did not know what an outburst of feeling of dissatisfaction would be encountered if any Government attempted to comply with the requirements of the Anti-Vaccination Society. At the same time the Government did not undervalue the objections of ignorant people, who naturally disliked interference between themselves and their children for an object which they did not appreciate, and which, nevertheless, they owed to the whole community to permit to be performed. Then it was stated that other diseases were propagated by the system; but he would say that out of the many millions of operations which had been performed since the inquiry of 1871 they had not found a single allegation of this kind which did not break down upon inquiry. He would not say that there were not cases in which the operation was performed at improper times, and that erysipelas was not occasionally induced by vaccination, as it was by any other wound; but the greatest pains were always taken to investigate these cases, and he had never hesitated to follow them up and to remove vaccination officers who were proved to have improperly performed their duties. Still, he could not say that these complaints were frequent, or that when investigated they were often found to be otherwise than groundless. Something had been said as to the fact that the Government Department did not supply pure lymph to every practitioner and for all vaccinations.

answer to this was simply that the department were only bound to supply to public vaccinators and for many vaccinations, for which operators they were alone responsible. The number of deaths from small-pox in the present epidemic had been very greatly reduced. He thought it could not be much deprecated that the House of Commons, at a time like the present, should come to any Resolutions which would imply that they had any doubt as to the need of a universal system of vaccination.

R. W. E. FORSTER said, he had read the remarks of the right hon. Gentleman with great pleasure. He was quite aware of the difficult position in which the right hon. Gentleman was placed, having to administer a very stringent compulsory Act which affronted the feelings of many parents, while at the same time he was obliged to administer it in order to guard against one of the most terrible disorders. He trusted the noble Lord would be content with the manner in which the Motion had been met by the right hon. Gentleman, and that he would not press it to a division. It was asked that inquiry should be made into the working of the Vaccination Acts; but the inquiry was being constantly made, as he knew by experience, by the able men who were at the head of the Veterinary Department. For the House to decide that there should be further inquiry would be to tell the country that the House of Commons had great doubt whether vaccination was satisfactorily conducted. That would be a most dangerous step to take. He had also heard the right hon. Gentleman's remarks in reference to the Amendment of his hon. Friend (Mr. Selator-Booth) with great pleasure, for the principle of that Amendment he did not oppose. For his part, he heartily supported the Amendment. It had been his duty to sit over a Committee which inquired into the entire subject and to draw up a Report, and afterwards to introduce a Bill to give effect to that Report; but he could not but remember that a provision of that Bill similar to the Amendment was struck out by a small majority in "another place." He should be sorry to say a word against the principle of compulsory vaccination. His reason for supporting the Amendment was that he believed it would enable

vaccination compulsory. If they were to say that parents must have their children vaccinated, parents would ask why they were not vaccinated themselves. It was always better to be vaccinated than to be diseased, as it was the responsibility of the State to see that there were three things to consider: first, that the disease was not neglected; secondly, that the disease was not spread; and thirdly, that the disease was not prevented. He was opposed to the Amendment, but he thought, before he did so, he should first of all consider the class of people who could do without vaccination. He thought that people who were not vaccinated with such a disease as small-pox were a great danger to the community. He thought that the Government should go further and make vaccination compulsory for all classes of people. He thought that the Government might be able to let these people work for the law for the rich? The Government were determined to enforce it. His right hon. Friend who was the child of the office to be a Friend knew to work at the penalty could escape was not a good thing. He could not be vaccinated at all. He was vaccinated at a year. He was forced to vaccinate of the rich rather than of the poor. He was anti-vaccination. He was anti-right hon. He was anti-alteration. He was anti-those who were to vaccinate who cared to satisfy the Government. He wanted to see that the Government stood a few minutes with such a disease as small-pox. He was idle and he was a danger to the nation and he was a right hon. He might be

Mr. Selator-Booth

cedents in his favour. No one knew more about the subject than Mr. Simon, and the Select Committee, which was at first prejudiced, after a careful inquiry of several weeks unanimously determined to recommend the amendment to which he alluded. This decision was fully confirmed by this House.

Mr. WALTER said, he had the misfortune to have one or two constituents who thought they had been persecuted in regard to the vaccination of their children, and it had been his duty to reply to the communications they had addressed to him. He rather regretted that his right hon. Friend (Mr. W. E. Forster) had not entered into greater detail so as to explain more precisely in what way he would meet these cases, because his remarks did not supply him with a satisfactory answer to these constituents. He should like to know to what extent his right hon. Friend would go in carrying out what appeared to be a dispensation against obeying the law. This appeared to him to be a very dangerous principle to admit—that a pecuniary penalty should relieve a person from the obligation of obeying a law passed for the benefit of the community. A good deal might, no doubt, be said in favour of the doctrine that there should be in certain cases a maximum beyond which penalties should not be inflicted; but would his right hon. Friend apply the same doctrine in other cases—to education, for instance? There was, he believed, no limit to the pecuniary penalties to which a parent was now liable who neglected to send his child to school, and would his right hon. Friend apply any limit to the penalties that might be imposed on these parents?

Mr. W. E. FORSTER said, that there was a liability to imprisonment in the one case and not in the other.

Mr. WALTER could not see that this was a defensible distinction. There were again penalties under the Cattle Plague Act imposed upon those who removed their cattle against the law, and he presumed that those penalties, however severe they might be, were also cumulative. There ought to be some general rule. He wished to mention the way in which this difficult case—for it was a very difficult case—was met in another country, the most allied to our own in its institutions—he meant the United States. Last year, when he was in America, he

took particular pains to find out what the laws were with regard to vaccination, and he found there was no compulsory vaccination whatever—that was to say, no direct compulsion. The consequence was that in some places, like Cincinnati, where there was a large German community who had strong objections to vaccination, the small-pox, when it came, made frightful ravages. The way in which the matter was dealt with there was this—they did not by law compel people to be vaccinated, but they did not admit to school any child who had not been vaccinated. Now that we had national education, conducted under a more or less compulsory system, he would ask whether there might not be a rule laid down that no child should be admitted to an elementary school who had not been vaccinated? He had been informed by an authority which he had no reason to doubt that that was the general, if not the universal, rule in the United States. If a similar rule were adopted in this country it might have the effect of an indirect compulsion, without the more stringent and disagreeable penalties by which alone compulsory vaccination could be enforced.

EARL PERCY said, that he had been urged not to divide the House; but the right hon. Gentleman said that he had established no case, and if he did not divide it would be admitting the charge. Either the lymph was in a useless condition or vaccination was not a sufficient remedy. Cow-pox was not an uncommon disease in cows. He would take a division on his own Motion, assenting to the Amendment of his hon. Friend (Mr. Pease).

Question put, and *agreed to*.

Main Question, as amended, put.

The House *divided*:—Ayes 56; Noes 106: Majority 50. — (Division List, No. 216.)

THE CONFESSIONAL.—RESOLUTION.

MR. WHALLEY moved—

“That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to

make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion."

MR. MONK seconded the Motion.

MR. ASSHETON CROSS had only remarked that he had not seen the book and had not been able to procure a copy, when——

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 4th July, 1877.

MINUTES.] — SELECT COMMITTEE — Army (Royal Artillery and Engineer Officers, Arrears of Pay), *nominated*.

PUBLIC BILLS—*Resolution* [June 29] *reported*—*Ordered—First Reading*—Public Loans Remission * [226]; Telegraphs (Money) * [227].

Ordered—First Reading—Imprisonment for Debt * [230]; Church Patronage (Scotland) Law Amendment * [231]; Board of Education (Scotland) Continuance * [229]; Colonial Stock Transfer (Stamp Duty) * [228].

Second Reading—Union Justices (Ireland) [28], *put off*; Divine Worship Facilities [47]; Agricultural Tenements Security for Improvements [86], *debate adjourned*; Turnpike Acts Continuance * [204].

Committee — Prisons (Scotland) (*re-comm.*) * [124] — R.P.; Registered Writs Execution (Scotland) * [133]—R.P.

Considered as amended—General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) * [211].

Third Reading — General Police and Improvement (Scotland) Provisional Order Confirmation (Dumbarton) * [208]—(Glasgow) * [210]; City of London Improvement Provisional Order Confirmation (Golden Lane, &c.) * [205]; Metropolis Improvement Provisional Orders Confirmation * [206]; Greenock Improvement Provisional Order Confirmation * [207]; Local Government Provisional Order (Sewage) * [175]; Colonial Fortifications * [174]; Provisional Orders (Ireland) Confirmation (Artizans and Labourers Dwellings) * [201]; Provisional Orders (Ireland) Confirmation (Ennis, &c.) * [202]; Saint Stephen's Green (Dublin) * [216], and *passed*.

ORDERS OF THE DAY.

UNION JUSTICES (IRELAND) BILL.

(Mr. O'Sullivan, Captain Nolan, Mr. Richard Power, Mr. O'Byrne.)

[BILL 28.] SECOND READING.

Order for Second Reading read.

MR. O'SULLIVAN, in moving that the Bill be now read a second time, said, he did so simply for the reasons denoted by the title of the Bill, for the better administration of justice at Petty Sessions Courts in Ireland. He assured the House that never was there a Bill brought before it which would do more to give the working classes in Ireland confidence in the administration of the law in Petty Sessions Courts than the Bill which he was moving for second reading, and he could also assure the Government that the people had not confidence in those Courts as at present constituted, for very good reasons. There were, no doubt, many good and faithful magistrates in Ireland; but, at the same time, there were still a large number who did not bring credit to the Bench. The local magistrates represented the landlords throughout the country, with very few exceptions; the stipendiary magistrates represented the Government, and there was no one to represent the ratepayers and the people. Hon. Members, he was satisfied, would see that that was a state of things which required some improvement, particularly in a country like Ireland, where the majority of the landlords differed from the great mass of the people in class, in religion, and in politics; but that would be passed over, if the laws were administered on equal terms to all. He maintained, without fear of contradiction, that in one-half the Petty Session cases in Ireland the law was not administered as it should be. And the consequence was, there was more disaffection created in Petty Sessions Courts in Ireland than in all the other Courts in the country. He proposed to give the power to the ratepayers of electing one magistrate for each Union in Ireland. Among those ratepayers he had included every landlord who would register his claim to vote, as at present, in the election of Poor Law Guardians, but for one vote only. He was not going to interfere

with, or deprive the Lord Chancellor of, the power he at present enjoyed in the case of the other magistrates, that of refusing to sanction any magistrate who, he thought, was unfit for the position, or to remove any magistrate whose acts were such as to unfit him for so responsible a position. He proposed that the person elected should retain office for five years, and be eligible for re-election, and that the Chairman of each Union should act as returning officer, to save expense; and that the votes should be taken by Ballot, the same as at Parliamentary and municipal elections. Those were the different clauses of the Bill, and hon. Members would see it was very short, and he hoped satisfactory. It might be said he was introducing a new law into the country in giving the nomination of magistrates into the hands of the people. He was not introducing a new law in the Bill; but he was asking the House to extend a privilege to the county ratepayers which was at present enjoyed by many towns and by all the cities and boroughs in Ireland. The mayors of all the cities and towns in Ireland were invested with the commission of the peace. The commission of the peace was also given to the Chairman of the Commissioners of 22 or 24 towns in Ireland, and all he asked was to extend that privilege to the ratepayers of each Union. Some hon. Members might oppose the Bill on the ground that elected magistrates in America were not all that magistrates should be; but it might as well be argued that the system by which the Members of that House were elected should be abolished, because some of the Senators in America were supposed to have acted corruptly. He appealed to the House, in the interests of justice, to pass the Bill, and he promised them that the working of it would be so satisfactory that the House would feel pleased that they gave this liberty to the people. The Bill, as he had said, was simply to transfer the nomination of one magistrate in each Union in Ireland from the Lieutenant of the county to the ratepayers of the Union. It did not interfere with the present power of any person. It left the Lord Chancellor the power of rejecting the candidate elected by the people, if he considered him unsuitable. If it was opposed on the broad ground of election by the people, then he should regret the

constitution of that House, which was composed of those sent by the people. Then, again, they had the coroners, a body who held a very responsible position, elected by the people, and many Boards in Ireland were also elected in the same way. The Irish were a justice-loving people, and the House might be confident they would elect none but men who would discharge their duty above board, and without fear, favour, or affection. The hon. Gentleman concluded by moving the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Sullivan.*)

MR. DE LA POER BERESFORD, in moving that the Bill be read a second time that day three months, said, he did so, believing that it was quite unnecessary for the administration of justice in Ireland. In Armagh, there were already 85 magistrates to a population of 180,000. In Cavan, which he knew, perhaps, better than any other Member of that House, there were 85 persons in the commission of the peace to a population of 140,000. In Fermanagh, there were 71 magistrates to a population of 92,000; and in Monaghan there were 61 to a population of 114,000, and he could not see how it would promote the administration of justice to admit two or three persons chosen from amongst the Poor Law Guardians of each county. In Cavan there were certainly four Unions, and in Fermanagh and Leitrim there were three; but in most of the counties, there were only two. Already the number of magistrates was quite sufficient for the due administration of justice, and he had never heard any complaint as to their decisions, though he was certain, from his knowledge of the people, and moving among them as he did, to hear of any legal decision which was considered faulty. In fact, he believed that the people were entirely satisfied with the commission of the peace as it was at present constituted. In addition to the local magistrates there were a number of stipendiary magistrates appointed by and responsible to a great extent to the Government, and they attended the Petty Sessions regularly, and were gentlemen of all shades of opinion. In some parts of the country they belonged to one political side, and in an-

other to another; and such being the case the people had as much confidence in them as they had in the local magistrates. There was certainly a recent very remarkable case, in which the proceedings of a magistrate in Ireland were questioned; but it was the only case of the kind that he knew of, and if the decisions of the local magistrates in Sessions Courts did not meet with the approval of the people, it would soon be brought to the knowledge of the House. The Bill would change the whole system of the appointment of magistrates in Ireland, and if it were to become law, as he was perfectly certain it would not, a demand would be made that the whole of the magistrates should be appointed by the people. The Poor Law Guardians of Ireland were entitled to the greatest respect; but they were not qualified for the magisterial bench, and he opposed the Bill, being of opinion that it would not confer the slightest benefit upon any portion of the community. The Irish magistracy would compare favourably with the magistracy of Scotland, or of England; but if the Bill were to pass there would be a number of men appointed from the Poor Law Guardians who would be supposed to teach law to those already in the commission of the peace. It would be casting a slur upon the whole bench of magistrates, both local and resident, and, therefore, upon the grounds he had stated, he would move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. De La Poer Beresford.*)

CAPTAIN NOLAN, in supporting the Bill, could only say that the counties to which the previous speaker (Mr. De la Poer Beresford) had referred were very fortunate, if the decision of their magistrates had been free from complaint. He did not wish to make out that the magistrates of Ireland were very bad, or worse than English magistrates; but the whole circumstances of the case in Ireland were different from that of England, and he only abstained from giving instances of complaints because it would be getting into troubled waters, and departing from the line of argument adopted by the hon. Member for Lime-

rick (Mr. O'Sullivan). In former times a number of the judicial officers in Greece and Rome were chosen by the people; and, in the present day, in some parts of the United States, in parts of Canada, he believed, and in Russia the magistrates were elected. The same principle was also adopted in France up to the date of the Restoration, so that England was an exception to the general rule, which gave a certain amount of local power to the people in the appointment of judicial officers. As a general rule the property of Ireland was held by Protestants, while the great mass of the people were Catholics, and it was a source of dissatisfaction that the result of this state of things was to give a large numerical preponderance in the magistracy to Protestants. The present system gave a good deal of political influence to Lords Lieutenant, upon whom the Bill would act as a wholesome check. The power of reversing appointments to the commission of the peace was, no doubt, vested in the Lord Chancellor; but that power was very little exercised, and when the Lord Chancellor happened to be a Conservative, people were slow to ask him to interfere with appointments made by a Conservative Lord Lieutenant. The Bill would not do everything; but it would do a great deal of good. It was a very modest attempt to remedy existing evils; and, perhaps, when it got into Committee, he should feel it his duty to propose that the appointments should be rather more in number than the Bill provided for, and that they should be for a longer term than five years. The Poor Law Guardians were perhaps not all fit to be magistrates; but it was not asked to make them all magistrates; and in every Poor Law Union there would, no doubt, be found a man who from his education and practical knowledge of the state of the country, would be quite as fit to sit upon the Bench as some of those to whom the administration of justice was at present entrusted. The present system acted unfairly to the commercial classes by shutting out the enterprising man, who had made a fortune by his industry and energy, from a position to which his son, though perhaps of very inferior ability and energy, would be eligible by inheriting the land purchased with his father's wealth. In some cases the popular nomination might fall upon

Mr. De La Poer Beresford

a man of the commercial class, and much advantage would result from such an appointment; and at other times a landed proprietor might be elected whose qualifications were now overlooked by the Lord Lieutenant. There was ample control over the abuse of the power of election; for the Lord Chancellor, under the Bill, would have a right to refuse the appointment of any man without being required to assign any reason whatever. It had been urged as a reproach to the people of Ireland that they had no respect for the law; but if this were true, there was every reason for it. Until 80 or 90 years ago the people enjoyed no power of election whatever. It was the policy at one time for the English Government to attempt to crush out all popular organizations, and in the smaller towns people did not elect their town councils and corporations. Only within the last 10 or 12 years had these elections in the small towns been revived, and very good effects had followed the election of Town Commissioners. Local questions were now discussed in a reasonable manner. So also this Bill was a step towards bringing the people into association with law, and by that means there would be a gradual respect for the magistracy as a body not altogether selected from the aristocratic class. That the people, he argued, should have no power to have a voice in selecting those by whom the law was administered involved not only a hardship, but a great anomaly, seeing that they were entrusted with the election of Members of Parliament by whom the laws were made.

Mr. VERNER said, he would not attempt to follow the hon. and gallant Member for Galway (Captain Nolan) throughout his elaborate speech. Before he came down to the House, he felt curious to know what arguments would be brought forward to support the Bill; for on looking through it, it seemed to him to consist of two or three propositions which the circumstances of the case did not at all warrant. Allusion had been made to the office of mayor as a precedent for the election of magistrates. It might be taken for granted, certainly, that the Lord Mayor acted as a magistrate while he held office; but when the case of Town Commissioners was cited, he (Mr. Verner) wished to point out that a Commissioner was not

necessarily, by virtue of his position, a magistrate; and, in fact, it often happened that the Chairman of the Commissioners was not a magistrate, although in many cases the Lord Chancellor was recommended to, and did, make such appointments. He found very good reasons for not liking the Bill. They had had opportunities of seeing the effect of electing Judges and magistrates, and when the hon. and gallant Gentleman enlarged upon the special precedents of America and of Russia, he could not point to any beneficial results, and made out but a weak case. They did not in this country want that "thorough democracy" which existed in America, and just as little did they want the order of things found in Russia. The hon. Member for Limerick (Mr. O'Sullivan), in supporting the principle of the Bill, urged that if it was objected to, they might as well object to popular election of Members of Parliament. He said the House might as well be abolished, because it was popularly elected. Well, hon. Members had had an instance lately of the effects of extreme popular election as regarded the House of Commons, and he believed they were not much enamoured of it. One argument brought forward by the promoters of the Bill was that there were not enough Roman Catholics in the magistracy. If that principle went for anything, it meant that the lower orders of the people had an idea that if a Roman Catholic magistrate were elected, he would have a bias towards them. He (Mr. Verner) could not see that that would conduce towards upholding the administration of justice in Ireland, that people should think that any magistrate on the bench should have an inclination towards any particular religion. Such an idea must tend to degrade justice in the eyes of the people. Other features of the Bill also would altogether disorganize the proper state of things in Ireland. The Lord Chancellor would no doubt have absolute power to put any election aside; but he would ask the House to imagine what a turmoil and discontent there would be if the Lord Chancellor exercised his authority, and disregarded the elected of the people. The appointment was to last for five years only, and any one ordinarily cognizant with human nature would know that a man once elected to the Bench would like to continue there, so that during those five

years he would court the favourable opinion of those who elected him; and, certainly, the canvassing in the Unions would be attended with every possible evil effect. Another proposition was, that the expenses of the elections should be paid out of the rates, and that the officials of the Poor Law Union should be employed in conducting elections. To that he objected, that there was a general outcry against the burdens thrown upon the rates in Ireland, and when occasion offered, no Gentlemen were more ready to join in that cry than the hon. Members supporting the Bill. It was a very just complaint also, that multifarious duties were thrust upon the Poor Law officials which it was never intended their shoulders should bear. Such a Bill as this would still further divert the attention of the officials from their proper duties, and divert the rates from the objects for which they were raised. He joined his hon. Friend (Mr. De la Poer Beresford) in his opposition, and he hoped the Bill would be scouted out of the House.

MR. M'CARTHY DOWNING thought the Bill an unpretending one. It would only have the effect of making a very small addition to the existing number of magistrates, and the hon. Member for Armagh (Mr. Verner) had grounded his objection on false premises, for his (Mr. Downing's) hon. Friend (Mr. O'Sullivan) had founded the merits of the Bill, not on any desire to cast reflection on the magistrates of Ireland, or even on the necessity of adding to the number of justices, though he might fairly have done so, but he said—"We wish by this proposal to give the people a share, through their representatives, in the administration of justice." There were precedents in favour of such a course. The hon. Member for Armagh was in error in supposing that the power of appointing Town Commissioners as magistrates was vested in the Lord Lieutenant. The power of selection was in the Commissioners as a body, and the name being transmitted to the Lord Chancellor, he was then appointed by the Lord Chancellor's warrant. Those appointed to the town councils were exactly the same class as were appointed to the Boards of Guardians, and, in fact, were sometimes members of both bodies. When the disturbing element of election was referred to, it should be remem-

Mr. Verner

bered that it occurred now every 25th of March, when the chairman, vice chairman, and deputy chairman were elected. These were often elected from the elected Board of Guardians, and if fit to preside over 20 or 30 *ex officio* educated gentlemen, intelligent farmers, and shopkeepers, surely they were quite fit to sit upon the Bench. No objection could be taken to the number of the magistracy, for, at present, they were in the proportion of one to every 20,000 of the population in some districts, and the addition of four to the 85 in Cavan would be but small. In the progress of election, however, the Bill might be amended. For his own part, he should prefer that the magistrate should be elected by the Board of Guardians. The ratepayers having, in that Board, elected their best men, they again would elect the best man among themselves. As to the introduction of religious bias, he thought that an hon. Member from the North of Ireland should be the last to say anything about that.

MR. BRUEN said, that if the precedent just cited were followed, the Bill now under consideration could not pass, because it provided for the election of magistrates by the popular vote of the ratepayers. He wished to show what would be the effect of the Bill. We had had some remarkable examples in popular elections within the last few years. Take, for example, the county of Tipperary. The qualifications for the election of Members of Parliament were not now so low as this Bill proposed to give; but some years ago, the constituency returned as their Member O'Donovan Rossa. He was elected by a large majority. If this Bill had then been law, and seeing that the franchise for elections to Boards of Guardians was lower than that for Parliamentary Elections, the result of an election in that county, with the then existing popular feeling, would have been that men defying the law would have been elected to sit on the Bench to carry out the law. To such a preposterous result would this Bill lead. Later very much the same thing took place in the election of John Mitchel. He believed the existing system was one of moderation between two extremes, and although the election of magistrates by popular vote was not part of our Constitution, yet the system by which they were appointed did not keep out of view

popular interests and popular wishes. He did not think we ought to go to America for an example, or import into Ireland the despotic system of Russia. In the latter country, it should be remembered, popular elections were very different things from what they were here. It was new to him that the administration of justice in Ireland generally did not carry with it popular confidence, and that the number of magistrates appointed in Ireland did not bear a numerical proportion of Protestants to Roman Catholics. It was to him a most painful thing that the religious argument should have been imported into the question, for there was a general desire throughout the country that the difference of religion should be kept within as narrow limits as possible, and it was unfortunate that it had been brought forward. They should give credit to all for purity of purpose when sitting on the bench of justice. Too often these differences had been used for agitation, although he did not for a moment accuse the hon. and gallant Member for Galway of so using the argument. He (Mr. Bruen) deprecated the introduction of canvassing for a seat on the Bench, and for a candidate to have to pledge himself to follow a particular line of conduct. He opposed the Bill, and trusted the House would, by its decision, declare, first, that the accusation brought by it against the administration of justice in Ireland was unfounded; next, that the present mode of appointing magistrates was a fair one, and that the interests of all classes were sufficiently attended to, and that the change proposed would be a most dangerous one.

SIR COLMAN O'LOGHLEN said, that he intended to support the second reading, and he did not wish to give a silent vote. He submitted that the people of Ireland did not feel the same confidence of justice in Petty Sessions as there was in County Courts and Supreme Courts. He did not mean to state that there were not some most excellent magistrates in that country, but what he desired was to see more confidence in those Courts. The principle of the Bill was not without precedents. Such a judicial office as that of coroner was filled by popular election, and the aldermen of the City of London were elected; so, also, in Scotland, he believed that

many seats among the magistracy were filled by election. The Bill was a small one, and did not propose to do more than add one magistrate to each Union. The mode of election, he agreed with the hon. Member for Cork (Mr. Downing), should be through the Board of Guardians, and not direct from the ratepayers; but that was a detail, and it was only the principle of the Bill they now had to deal with. With regard to the remarks of the last speaker (Mr. Bruen) it would be impossible that, had the Bill been law, either O'Donovan Rossa or Mr. John Mitchel could have been elected, for neither were qualified. Besides, the Lord Chancellor would have full power under the Bill to prevent any improper appointment.

MR. COGAN said, that although he was of opinion that there might be some improvement made in reference to the appointment of magistrates in Ireland, yet he could not give his concurrence to this Bill. He believed it would be impossible to adopt a more vicious principle than that of making popular favour or disfavour a reason for the election or non-election of a magistrate. He should be sorry to see the magistrates and Judges in his country elected under the influences resorted to in the United States. In that respect, he should be very sorry to assist in Americanizing our institutions, as it would be a change for the worse. It was admitted by all, even by those most favourable to the Republican system in the United States, that the popular election of those discharging judicial duties, was the great blot on the system, and would prove fatal to the best interests of the country, if allowed to continue. The Bill contained another objectionable principle in regard to the term of office—five years and no longer—unless re-elected. This was more vicious even than the original popular vote for selection in the first instance; it would be a fatal revolution, destroying the great principle that those discharging judicial duties—which must in their nature be often unpopular—should hold office during good behaviour, and not be liable to removal either by public caprice or the displeasure either of the Government or the Crown. Such a system would be a scandal to the seat of justice. He should vote against the second reading, because the Bill, if carried, would materially lower the character and im-

peril the independence of the magistrates of Ireland.

SIR MICHAEL HICKS-BEACH said, he could not, on behalf of the Government, assent to the second reading of the Bill, which was one proposing an entirely new system of appointing justices. What was the evil that the hon. Member for Limerick (Mr. O'Sullivan) proposed to remedy by the Bill? He thought the hon. Gentleman was under some mistake as to the practice under which borough magistrates were now appointed, because there was no analogy between that practice and the method proposed under this Bill. Borough justices were appointed in England, as in Ireland, with the exception of the unreformed Corporation of the City of London, solely by the Crown. Mayors under statute exercised the functions of justices; but that was a very different thing indeed from the election of a person for magisterial duties only by the ratepayers. The appointment of justices in towns under the 17th & 18th Vict., called the Towns Improvement Act, had been referred to, but that again was not analogous to anything proposed in the Bill. Under that Act a list of the Commissioners elected was submitted to the Lord Chancellor of Ireland for the time being, stating the ages, professions, &c., of the persons elected, and it was lawful for the Lord Chancellor of Ireland, if he saw fit, to select from that list persons as justices for towns. The persons so selected were only appointed magistrates during their term of office, and only had jurisdiction within the boundaries of the towns for which they were elected Town Commissioners, and then only so long as the Lord Chancellor thought fit. He wished to point out that that gave entire discretion as to the appointment of persons to be justices to the Lord Chancellor of Ireland. But what was the principle of the Bill now before the House? The principle was that justices should be elected by the ratepayers of the Unions. The ratepayers of the Union were to elect the persons as justices, not for their Union alone, but for the whole county. The persons so elected were to hold their office for five years; there again differing from any magistrates now existing. This Bill had been recommended by the hon. Member for Cork (Mr. Downing) and the hon. and gallant Member for Galway (Captain Nolan) as

Mr. Cogan

a simple and modest attempt to alter the law. He was bound to say that to his mind it was a proposal to initiate a most important change—perhaps, one of the most important changes that could be conceived—in the judicial constitution of the country. The hon. and gallant Gentleman had gone, as he had done on former occasions, to foreign countries for examples, and had drawn his arguments in support of the Bill from the system adopted under a pure democracy in America and under a complete despotism in Russia. He did not wish to dilate upon the merits or faults of the form of Government in either of these countries; but he ventured to say that there was nothing in the judicial administration of the law there which would justify us for a moment in going to either of them for an example. They heard sometimes a great deal said about the unfair action of the Government in the appointment of justices; but that opinion, at any rate, did not appear to be shared by the promoters of the Bill, because under the present measure they left to the Lord Chancellor of Ireland the same veto which he now had over the recommendations of Lords Lieutenant of counties. The magistrates to be appointed were to be recommended to the Lord Chancellor by the ratepayers; they were now recommended to the Lord Chancellor by the Lords Lieutenant. He might say, in passing, that he thought there was some ground for doubting how far this measure had been thoroughly considered by its promoters, when they found such important differences between those who supported it as, on the one hand, the strong opinion in favour of election by the ratepayers, and, on the other hand, the preference expressed for election by the Guardians themselves. These were two very different matters, and upon that he might say that if the hon. Member for Limerick (Mr. O'Sullivan) had intended to follow any system now existing, he certainly never had any right to incorporate the election by the ratepayers in the Bill. One defect in the Bill was, that it contained no Proviso defining any qualification for persons to be appointed. In its present form a person might be resident in America, but, notwithstanding that, he might be elected a justice by the ratepayers of Limerick or Tipperary; therefore O'Donovan Rossa and John

Mitchel would have been eligible if this measure had been the law of the land. So far as he could understand, it seemed to him that the measure was an attack upon the Lieutenants of counties, and in connection with the point he had listened with great pleasure to the disclaimer of his hon. Friend the Member for Carlow (Mr. Bruen) of any wish to treat this subject from a religious point of view. He believed that the Lieutenants of counties in Ireland, varying as they did in their religious and political opinions, exercised their privilege in the appointment of magistrates with fairness and discretion. But the magistrates must and ought to be selected from persons of education and leisure, irrespectively of their connection with any particular religious Body. If they simply took account of the persons in the community who were possessed of those qualifications, the necessary result would be, under present circumstances, a large preponderance of Protestant magistrates. ["No, no!"] He scarcely understood, indeed, how this Bill could be supported on religious grounds. He believed that under such a system it would too often be proved to be impossible for a Catholic to be elected as magistrate in a county where there was a large majority of Protestants, or a Protestant elected in a county where there was a Catholic majority. ["No, no!"] Well, they had an opportunity of seeing to what extent Party and religious feelings could influence persons in such matters, in the mode in which appointments by corporations and other public bodies were too often filled up; he feared that in every case in those parts of Ireland, if there was any truth in the arguments of hon. Gentlemen opposite, where the majority required protection, it would be just in those very places that the magistrate representing the opinions of the minority would have no chance whatever of election. He ventured to say that the present system, whatever its faults, was, at any rate, better than the system proposed to be substituted for it. Complaint had been made that the appointments of magistrates were too much confined to landowners. He thought that it was quite right and proper for the Lieutenants of counties to select men who had made their fortunes in commercial pursuits. But when he remembered questions which had been

asked of him during the past Session, with regard to the bankruptcy of a certain magistrate, he felt that although the Lieutenants of counties might have to the best of their judgment recommended such persons to the Lord Chancellor of Ireland, it was by no means unlikely that circumstances might subsequently arise, which would cause the Lieutenant to be much blamed for his recommendation. The hon. and gallant Member for Galway had appeared to think that the removal of Roman Catholic disabilities, which had been long ago effected, was an argument for this change. With that view he (Sir Michael Hicks-Beach) could not coincide; and he trusted the House would by their vote that day repudiate any desire to accept or make any such change as was proposed by the Bill; and that if any fault was found in any particular instance in the appointment of magistrates in Ireland, it would be brought before the House, when it would be his duty to make such a reply as might be required by the circumstances of that particular case.

MR. CALLAN said, he was rather surprised to hear the right hon. Baronet the Chief Secretary for Ireland give as his experience, that it would be impossible for a Protestant to be elected in a Catholic district, and *vice versa*. Did the right hon. Baronet know that in the Catholic city of Dublin, save under very exceptional circumstances, a Protestant was elected Lord Mayor in regular rotation to a Catholic; and that whilst in Cork, Limerick, and Waterford, Protestants were selected in due rotation, in the vaunted, enlightened town of Belfast a Catholic had never been elected mayor? The hon. Member for Carlow (Mr. Bruen) had stated that the charge that the local administration of justice did not command the confidence of the people was quite new to him, and had felt pained that such an element as the religious one should have been imported into the case — not for the purpose of justice, but, as he charged, for the purposes of agitation. Well, he (Mr. Callan) would not rest on his own private opinion against that of the hon. Member, but would refer the House to a letter of one who, though a Catholic, would not be accused of any partiality towards the Catholics of Ireland. He referred to the noble and learned Lord

Chancellor under the late Government (the Lord O'Hagan), who, under date of January, 1872, wrote as follows:—

"Unfortunately there are other places, especially in the North of Ireland, in which there is no representation, or a very inadequate representation, of Catholics, and in some cases of Presbyterians, amongst the local magistracy, and the result not unnaturally is the creation more or less of that distrust which the Commissioners describe as affecting the trial of Party questions, even by persons in whose honour, impartiality, and justice on all other occasions the people implicitly rely. Wherever it is fairly possible to prevent that unhappy result and take from the local tribunals the appearance of sectarian exclusiveness by the appointment to the commission of fit and competent magistrates in whom all the members of the community can place reliance, the Lord Chancellor thinks the appointment should undoubtedly take place."

He (Mr. Callan) felt confident that such a judicial expression of opinion would have much more weight than the private opinion of any hon. Member, however personally estimable. He was surprised to find the hon. Gentleman the Member for the Catholic county of Carlow so bitter an opponent of a Bill which afforded some chance of a Catholic being elected a magistrate for that county. Carlow, with a Catholic population of 45,000 out of a total of 51,000, with some 50 magistrates, had only two Catholic magistrates, and yet the Member for that county cried out—"Oh! the religious element should not be imported into the case; the Catholics don't complain." Well, he (Mr. Callan) hoped that when next the hon. Member appeared before his constituents, the Catholic people of Carlow would remember the attitude taken by the hon. Member. The right hon. Baronet the Chief Secretary, too, had repudiated the idea that there was any partiality or partizanship shown in the appointments to the magistracy, and had taken upon himself to affirm on their behalf that the Lords Lieutenants of counties had "exercised their power of appointment with fairness and discretion." Whatever courage might be displayed in making such an assertion, there was a great lack of discretion, as the following statistics would show. Take the county of Donegal, for example, with a population of 218,000, of whom upwards of 165,000 were Catholics. There were only two Catholic magistrates out of 119. In Tyrone, with a Catholic population of 130,000, out of a total of 215,000, or

more than half, there was not one single Catholic magistrate among the 120 justices of the peace. And it was from that county that the right hon. Baronet the Chief Secretary drew the instance to point an unworthy sneer at the merchant-traders of the country districts in Ireland. The 77,000 Catholics of Londonderry County, out of an entire population of 173,000, had but a solitary member of their community among the magistracy of that county, numbering over 106. He next came to his (Mr. Callan's) native county of Louth, of which Lord Rathdonnell was the Lieutenant. There were in that eminently Catholic county, with a population of upwards of 70,000, 64,000 Catholics, wealthy men of honour and education, equal in every respect to their Protestant neighbours. There were only eight resident Catholic magistrates out of some 47 or 48, or less than one-fifth of the whole, and this disparity arose not from any want of fully-qualified Catholics, but from the intense bigotry of the Lord Lieutenant of the county, who had persistently and determinedly refused to appoint a Catholic to the commission of the peace. In fact, the only 10 Catholics who had been appointed were not appointed until he (Mr. Callan) had brought the matter before the House in 1872. He would instance one case, and that only because the Gentleman in question was well known to many hon. Members, and esteemed by all who had the pleasure of his acquaintance—his hon. Friend the junior Member for Louth (Mr. Kirk), who enjoyed the confidence of the people of his district, in which, Catholic to the core, there was not a single Catholic magistrate; and though his name had been prominently brought before Lord Rathdonnell, the Lord Lieutenant of the county, he would not appoint him to the commission of the peace. The right hon. Baronet the Chief Secretary had made reference to borough magistrates. In the town which he (Mr. Callan) had the honour to represent (Dundalk), the Bench for years had been equally divided—three Catholics to three Protestants. Just before the General Election of 1868 one of the Catholic magistrates had died, and immediately after an application was made to have the borough magistrate appointed to the commission for the county, but that application was

Mr. Callan

contemptuously rejected. And yet Mr. M'Ardle, the senior partner in the well-known firm of M'Ardle, Moore, and Co., in whose favour the application was made, had been then eleven times successively unanimously elected Chairman of the Dundalk Town Commissioners. He had during all that time acted as borough magistrate, with satisfaction to the authorities and to the public; had been recommended for the vacancy by the late venerated Primate of Ireland, by the borough Member, by the two Catholic magistrates on the Dundalk Bench, Messrs. Kelly and Coleman, by Lord Claremont, the brother of the then Chief Secretary for Ireland, and he (Mr. Callan) was authorized to state strongly by the resident magistrate, Captain Coate, a Tory of Tories, and by the chairman of the county, Mr. Neligan. He had also within the last two or three years been recommended by the Town Board; but the public recommendation had been treated with the same scant courtesy as had been the private one—namely, a curt refusal. He thanked the House for its courtesy and attention, and would go more fully into the subject on the Motion of the hon. Member for Cavan (Mr. Fay) when it was discussed. The right hon. Baronet's objections were entirely directed to the details of the Bill. He (Mr. Callan) supported the Bill, though he was not much in favour of it, for he believed that if it passed in its present shape, the result would be that while the ratepayers in the Southern counties would elect Protestants almost sooner than Roman Catholics, there would not be the slightest chance of a Catholic being elected in the North.

Mr. O'DONNELL, in supporting the Bill, said, the hon. Members for Armagh (Mr. Verner) and Carlow (Mr. Bruen) deprecated the introduction of religious differences into this question, and the remedy they proposed was to entirely exclude Catholics. Of course this would be a fine way of excluding religious differences. It was said that the Bill introduced the American system; but he denied that, and the promoters of the Bill were prepared to accept Amendments even to the length of allowing the elections to be made by Boards of Guardians. The Bill was meant to apply a remedy to a prejudicial state of affairs existing now in the Irish judicial system,

which was not regarded with satisfaction. Everywhere the appointments to the office of justices of the peace were found to correspond to territorial and caste distinctions. This fact would, in itself, if they had not abundant proofs of the magisterial misuse of functions, form a practical objection of the strongest kind to the continued maintenance of the present system. The objections that had been brought forward were mainly objections on matters of detail. With regard to the limitation of the duration of the power of the Union justices, the supporters of the Bill were not tied to a duration of 5 to 10 years. If hon. Gentlemen holding Conservative views preferred to make Union justices tenants of their offices for life, he did not think there would be any objection on the part of the supporters of the Bill. They were prepared to go any reasonable length to meet the objections of hon. Gentlemen on the other side of the House. All they asked was, that the present system of arbitrary and caste domination in Ireland might be amended to the very limited extent of allowing ratepayers or Boards of Guardians to choose a small number of magistrates as representatives of the most substantial and respectable portion of the community, in order to temper and correct the present system. They did not go any further than that, although he personally was inclined to go very much further, believing, as he did, that the only real objection to the Bill was, that it was a great deal too moderate.

Mr. O'SULLIVAN said, he had heard nothing from the right hon. Baronet the Chief Secretary or the other opponents of the Bill to convince him that the measure was not just and necessary. They had been told in the course of the debate that there were sufficient magistrates on the Bench in Ireland already. He did not say that they were not sufficiently numerous. It had also been said he had not shown that justice was badly administered at Petty Sessions in Ireland; but he could have mentioned many instances of unjust and extraordinary decisions had he not desired to avoid trespassing on the time of the House. He would now mention one case which had occurred in his own county. Two men were summoned on the same day before the magistrates for not having taken out licences for their

dogs. One was fined 5s. and the other only 1d. Now, the man who was fined 5s. had a very large business to attend to, and forgot all about the matter; while the person who got off with a fine of 1d. was the very person who ought to have registered the dogs, being the clerk to the magistrate. The hon. Member for Armagh (Mr. Verner) objected to popular election. Well, there might be a good many who entertained that objection who would not have the chance of sitting in this House again. Then the hon. Member objected to the provision he (Mr. O'Sullivan) made for the amendment by the Lord Chancellor of the election when it was an improper one. He was surprised that a substantial Conservative like the hon. Gentleman should have taken such an objection. The expenses of the election were also objected to, although they would not be more than £5, and in the poorest Unions in Ireland this would not amount to the hundredth part of a penny. The hon. Member for Cork (Mr. Downing) thought the Bill ought to give the power to the Guardians instead of the ratepayers. He would not object to the power being given to the Guardians, if they could vote by Ballot and if they were elected by Ballot; but he objected to giving that power to them while they were nominees of the landlords and their agents. The hon. Member for Carlow (Mr. Bruen) had spoken of the introduction of the religious element into the Bill. He had avoided that altogether, and he had never said one word about religion. He might say that there were Protestant magistrates in Ireland in whom he had more confidence than he had in many Catholic magistrates. As to the objections of the right hon. Baronet the Chief Secretary for Ireland, he thought they might be considered in Committee. It was said that a Protestant magistrate would have no chance of being elected in a Catholic district. Now, as to the validity of that objection, he would appeal to many Protestants on his side who had been elected entirely by Catholics. He would also refer to the case of the county of Tipperary, an exclusively Catholic constituency, which at a former election returned a Protestant—namely, Colonel White. Need he refer to the hon. and learned Member for Limerick (Mr. Butt), and a dozen other hon. Members

Mr. O'Sullivan

whom he saw around him? No. He thanked God the South of Ireland was free from bigotry, which he knew existed to a very large extent in the North. The alleged difference of opinion had been referred to as existing amongst the supporters of the Bill. There was really no difference of opinion between himself and the hon. Member for Cork, only that he did not wish the Poor Law Guardians to have the power of election unless they were elected by Ballot. The right hon. Gentleman the Member for Kildare (Mr. Cogan) objected to giving the people any more power. He did not wonder at that, for the last Election showed that the power of the people was very strong, and unless he was greatly mistaken, the right hon. Gentleman would find that unless he went in for Home Rule he would stand very little chance. He could not see that a single reasonable objection had been brought against the Bill. He did not want to introduce the election of magistrates all over the country, he only wanted to introduce a sprinkling of representatives of the people—namely, one magistrate from each Union, so that the people might have more confidence in the administration of justice. He said that the people were not represented on the magisterial Bench. The landlords were represented by an overwhelming majority, the Government were represented by the stipendiary magistrates, but there was not a single representative of the people.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 36; Noes 178: Majority 142.—(Div. List, No. 217.)

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

DIVINE WORSHIP FACILITIES BILL
(*Mr. Wilbraham Egerton, Mr. Birley, Mr. Whitwell, Mr. Rodwell.*)

[BILL 47.] SECOND READING.

Order for Second Reading read.

MR. WILBRAHAM EGERTON, in moving that the Bill be now read a second time, said, that its provisions had

been considerably modified in deference to the opinions which were expressed last year. It was then urged that the Bill would be a great interference with the parochial system, and that its effect would be to set up a rival clergyman in every parish. The Bill, therefore, had been modified so as to maintain intact the great principle of the parochial system, for no one was more attached than he was to that system. The Bill proposed that no clergyman should be appointed under it without a definite territorial limit being assigned within which his ministrations should be confined. The Bill did not affect the quality of the services so much as the quantity, or, in other words, the deficiency of spiritual ministrations throughout the country. The parochial system professed to provide religious ministrations for the whole community; but, at the present time, it could not be said that it covered the whole spiritual field of the country. New districts were being formed, parishes were becoming so largely populated that it became necessary to subdivide them; but, notwithstanding, there was an immense population which the parochial system did not reach, and it was to provide such population with the means of religious instruction that the Bill had been introduced. The main object of the Bill was to amend the Church Building Acts. These Acts, although of a complicated nature, had greatly increased the number of churches, but there were blots which required to be removed, and defects which remained to be supplied. The Bill would enable a patron to build a church, if he obtained the consent of the Bishop, the consent of the incumbent not being necessary. It was also proposed to give the inhabitants of a poor district that which the inhabitants of a rich district at present possessed under the Patronage Act, of providing for their own spiritual wants—

MR. MONK: I rise to Order. Is it competent to the hon. Gentleman to read every word of his speech?

MR. SPEAKER: The hon. Member is not entitled to read his speech; but he can refer to his notes to refresh his memory.

MR. WILBRAHAM EGERTON proceeded to explain the provisions of the Bill, and said, that at present, whenever an additional chapel was needed, the opposition of the incumbent could

stop the whole proceeding. The Bill, therefore, proposed that the Bishop, either of his own motion or on the application of the inhabitants, should have the right of calling on the incumbent of a parish to provide sufficiently for the spiritual necessities of the district. If that were not done within three months the Bishop might appoint a Commission to inquire into the subject, and if their recommendation were favourable to the providing of further facilities for Divine worship, he would act upon it. The first duty was to see that a satisfactory stipend was provided for the clergyman, and the Bishop would then assign to him a conventional district. The patronage was to be vested in those who should provide the funds. A great deal of evidence had been taken by the Committee which had been appointed to inquire into the spiritual wants of the country, and since that Committee reported, a Committee had been also appointed by Convocation to examine the same subject. It appeared from the evidence of Canon Gregory that, notwithstanding all the work done during the last 30 years, within which no fewer than 2,000 churches had been built, the church accommodation had only kept pace with the growth of the population. In 1841 there was one incumbent to 1,095 of the population; in 1871 there was one incumbent to 1,097. In his opinion, it was decidedly necessary that these deficiencies should be supplied, if the Church of England was to deserve the name of the National Church. The Ecclesiastical Commissioners might object to this Bill on the ground that it interfered with their province; but, as a matter of fact, those Commissioners had no means of knowing the requirements of particular districts in regard to spiritual administration, and he did not think that the Bill in any way interfered with their legitimate functions. The hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Wilbraham Egerton.*)

MR. ASSHETON, in moving the Previous Question, said, he had carefully compared this Bill with the Bill of last year, and he could not find in it one substantial alteration. In fact,

what few alterations had been made did not make any serious difference between this Bill and the Bill of last year. He was astonished to hear the hon. Member say the Bill did not interfere with the parochial system, and that he himself was anxious to maintain it. Why, the principle of that system was the spiritual independence of the incumbent in his parish; and there could not be a more unquestionable interference with that system than that contained in the 2nd clause, whereby it was provided that the Bishop of a diocese, if he had reason to believe it would be expedient to provide in any parish additional facilities for the performance of Divine worship, might licence a clergyman to officiate in that parish without the sanction of the incumbent. That he regarded as utterly and entirely contrary to the parochial system. There was not time that Session to discuss properly a Bill proposing such a great innovation. Appointment by popular election might be good or bad; but it was not the method of the Church of England. The Bill did not provide that the clergyman appointed should undertake any duty. It amounted to this—that if a small knot of people got the permission of the Bishop, they might appoint a sort of privateer parson to prey on a parish, getting as much as he could from the rich, but not bound to do anything for the poor, and leaving the real work of the parish to the incumbent. The Bill did not sufficiently define habitual neglect; and if an incumbent were guilty of it, why should he not be removed, instead of a fresh clergyman being appointed? Nor were the provisions as to the stipend and other matters at all satisfactory. There were many other considerations and difficulties which suggested themselves in connection with the subject; and, upon the whole, he did not think that a Bill referring to matters of such importance ought to be taken up at so late a period of the Session. There was not sufficient time to think out all the details, and to put the measure into a workable shape. As, however, he did not altogether disapprove the objects the promoters of the Bill had in view, he did not move its rejection, but he would move the Previous Question instead.

MR. MONK seconded the Amendment. He entirely agreed with the last

speaker in thinking the Bill an invasion of the rights of the incumbent. He considered the hon. Gentleman opposite (Mr. Egerton) had not adopted the right mode for remedying the evils which existed by attempting to interfere with the parochial system. If the duties of a parish were not properly performed, it would be reasonable to give the Bishop power to call on the incumbent to appoint a curate; but in such case he should be appointed merely as an additional curate, and should have no right to interfere with the incumbent. The real object of the measure was not far to seek. What was intended by it was simply this—that whenever a certain number of parishioners held either very high Church views or very low Church views, and wished to have a particular ritual, they should be allowed to go to the Bishop and say—"Give us a clergyman who shall perform the service as we desire." He hoped that Parliament would not sanction a Bill of this description.

Previous Question proposed, "That that Question be now put."—(Mr. Ashton.)

MR. BIRLEY, in supporting the Bill, said, he must, at once, emphatically repudiate the explanation just given by the hon. Member for Gloucester (Mr. Monk) of the object aimed at by the Bill. In his (Mr. Birley's) opinion the Bishops would prefer to meet cases of neglect in the way provided by the Bill, instead of taking steps against incumbents. He desired to impress upon the House the urgent necessity of passing some measure of the kind. He, therefore, hoped the second reading would be passed, because, although it might be impossible to get the Bill through that Session, its progress next year would be facilitated. He was a Member of the Committee that sat on the Bill, when the whole circumstances were discussed. Until recently, before a church was built, an Act of Parliament was often necessary; but, by the 29th of Geo. III., facilities were given to build churches in populous districts. He submitted that the Church of England, as a national Church, ought to provide accommodation for its people in their attendance at Divine worship. It was notorious there were many instances of

Mr. Ashton

populous parishes the incumbents of which, for various reasons, would not assent to arrangements that were obviously necessary; and this Bill would meet such cases without necessitating the building of new churches, and by allowing licensed rooms to be used. The Bill bristled with safeguards, and would not make any appointment permanent. At all events, it would interfere far less with the parochial system, and would be less detrimental to the Church of England than the custom of allowing the ground to be occupied by Dissenting chapels, to the disadvantage of the national Church.

MR. WHALLEY supported the Previous Question, which he considered to be the proper way of treating with contempt all discussions in regard to the clergy of the Church of England until some better understanding had been arrived at as to the position which the public held in regard to that body, and until some kind of remedy had been discovered for practices of a most objectionable character which were being now carried on. At the present time, the clergy of the Church of England appeared to be a class of men who were not to be reasoned with. There were men amongst them who degraded their profession, who practised that which they had sworn not to practise, and who opposed and endeavoured to counteract all those principles which they were paid to support. Such men ought to be put down, if not dispensed with altogether. Look, for example, at that abominable book, *The Priest in Absolution*, which had so startled the country, and the position of the authorities of the Church in regard to it. Why, great ecclesiastical dignitaries who were not inadequately remunerated, and who were supposed to be occupied specially with the discipline of the Church, had only yesterday asserted that the volume in question had been for the first time brought to their knowledge. Those reverend gentlemen pretended to have been in ignorance up to that period of a book which had so ingrained itself into the practice of a large section of the clergy, that a man of the name of Mackonochie had said that the volume was no longer necessary, that he did not want it, that he had practised for five-and-twenty years what it contained. He considered that was a great scandal.

He apprehended that public opinion would demand that some remedy should be applied to the evil which existed in the Church through the practices inculcated in the book referred to. In the meantime, he thanked the hon. Member for Clitheroe (Mr. Assheton) for moving the Previous Question, which amounted to this—that the House would not condescend to discuss any question relating to the Church and the clergy until the matters to which he referred had been satisfactorily dealt with.

MR. BERESFORD HOPE said, he felt certain that he represented the feeling of the House in taking up the question at the point which it had reached previously to the last speaker. It was always either too early or too late to discuss a measure they did not like; but the condition of the Order Book was probably fatal to the chance of the Bill this Session. He should, nevertheless, support the second reading, and regretted that his hon. Friend had fallen on such evil days in bringing it forward at a time when those who guided the ark of the State were not present, and when those who guided it a short time ago were absent also. The question was one that called for the most serious consideration. The Bill was excellently intended, and dealt with a deficiency which all acknowledged, yet he should be sorry to see it become law in its present state, more especially if it contained the provision which would remorselessly saddle the clergyman with a conventional district. This compulsion confounded the ideas of worship with which the measure dealt, and of pastoral charge. The Bill to some extent provided a safety-valve for tolerated differences of opinion in the Church, whether affecting doctrine or ceremonial, which was a point to which he attached much importance, as a provision for temporary places of worship would prevent parishes from being rashly cut up into permanent districts, which was too often the lavish and clumsy method of settling such disputes. He hoped that the Motion for the Previous Question would not be pressed. He put it to the majority of the Members of the House who were members of the Church of England whether they did or did not, when in town, attend their parish church as a matter of principle, because it was their parish church; and if, as he believed, the an-

swer would be "no," then this fact illustrated the *raison d'être* for this Bill in other places than London. It provided that, in cases where there were differences of opinion about the parson or the services of the church, the dissentients might have a temporary chapel so long as they could pay for it, or so long as it was necessary. When it ceased to be so, they could return to the mother church, which would have sustained no permanent injury. It would be well if the aggrieved parishioners had ample opportunity of stating to the Bishop what their grievances were—whether the character of the services, or their insufficiency, or the lack of clerical strength—and that a machinery should be provided for devising, if possible, a temporary remedy short of the introduction of a fresh clergyman and the making of a new district. In particular, he would be glad if the Bill had contained a provision giving to the parson himself a period of grace wherein to find the desired services, and at his own parish church. The Bill to which this was a successor, as introduced by the hon. Member for Stafford (Mr. Salt), did make such provision, and he looked upon the omission of it in the present measure as a serious defect. He had himself been a Member of the Member for Stafford's Committee, and the prevalent opinion among them, after a very wide and searching inquiry, was that the principle advocated was a sound one, though it would require liberal development, and therefore he should vote against the Previous Question.

MR. RODWELL, as a Member of the Select Committee from whom the Bill had sprung, desired to say a few words in correction of the misapprehension which existed as to its objects. The object of the parochial system was to provide for the spiritual wants of the parishioners, and it was the purpose of the Bill to further that object. One would think on hearing the opponents of the Bill that the parishes had been made for the clergy, and not the clergy for the parishes. The parochial system was a matter of theory, and were they going to sacrifice the interests of the country to a theory? Abundant evidence was given before the Select Committee that there were many cases of inadequate provision and neglect which the Bishops were powerless to meet, and

in one instance it was stated a clergyman refused to attend a sick person, and yet the Bishop had no power to compel him to do so. The Bill provided a simple, cheap, temporary remedy that would not in the least interfere with any rights which an incumbent was morally justified in asserting. If he could show that increased facilities were not required, the Bishop could not interfere. On the advent of a new incumbent, the additional clergyman would retire, unless the new incumbent desired him to remain. Ritualism had nothing whatever to do with the history of the Bill, which was originally introduced by the hon. Member for Stafford (Mr. Salt), now Secretary to the Local Government Board. It would be possible to insert in the Bill any necessary safeguards; and, although it might be impossible to pass the Bill this year, it would be well to read it a second time by way of facilitating future legislation.

MR. GREENE, who had hitherto opposed Bills of this character, would vote for the second reading of this Bill, because it embodied safeguards against abuse. It ought to be watched jealously in Committee to see that the parochial system was not weakened. Though it could not be carried now, it would be well to affirm its principle. As to the practices alluded to he did not believe the Bill would give them any facilities, and believing they were generally repudiated by the common sense of the people, he should support the Bill.

MR. CARPENTER-GARNIER could not support the Bill. The expense of enrolling legal districts might be great, but the proper remedy was to amend the law in that respect, and not to map out conventional districts. The introduction of a clergyman against the will of the incumbent, who had to pay him, must occasion strife and divisions, for collisions would be inevitable in the management of schools, and of charities, and in visiting, and these collisions would probably result in the two preaching against each other.

MR. MILBANK supported the Bill in the interest of the Church of England. In his own district in Yorkshire they had very extensive church parishes so large and so inadequately supplied with the necessary means of church accommodation that, as a consequence, Dissenting chapels were springing up

Mr. Beresford Hope

rapidly in all directions. Although the clergymen of those parishes had endeavoured, under great difficulties, to perform their duty, it could not be expected they could induce the parishioners to walk a distance of eight or nine miles in order to reach a chapel-of-ease. All this would be knocked in the head if churches and clergymen were provided.

Mr. WALTER, as a Member of the Select Committee, would support the Bill. He did not look to it so much for any great advantages in the increase of accommodation, for he thought the existing Acts of Parliament went far to meet any difficulty which existed in that direction; but he did look to it to provide remedies in those cases where there was a clergyman who could not be dislodged or disturbed, who did not bring himself under the law, who did not break the Commandments so as to enable the Ecclesiastical Law to meet him, and who was, nevertheless, a man for whom the parishioners could not feel any respect. It being difficult to dislodge the clergyman, there ought to be some remedy for the parishioners who wished to go to church to get good. There were few Members of the House who could not put their hands on a parish where such a grievance existed. Although he would not pledge himself to particular details of the Bill, he held that this was a grievance that required a remedy. There were cases in which it had existed many years, in which the clergyman had, so to speak, sat upon the people for 20, 30, or 40 years, and the people had no redress. The result was that Dissent had flourished, and meeting-houses multiplied. He wanted to be relieved of that difficulty; and as he believed the Bill would provide a remedy, he would support the principle without committing himself to the details.

Mr. HENLEY joined in supporting the Bill, remarking that something of its character was the only way in which they could meet the constant necessities of the case. Anyone who was old enough—as he was—to remember the million of money which was granted after the war must see that in these matters the remedy had always come behind, and had not succeeded in reaching the mischief it was intended to guard against—namely, that owing to the great increase in the population the church accommodation was found not

to be sufficient. The Bill now under consideration was intended to remedy the defect, and it was upon those grounds that he considered it his duty to support the second reading.

Previous Question put, "That that Question be now put."

The House divided:—Ayes 94; Noes 78: Majority 16.—(Div. List, No. 218.)

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Wednesday* 1st August.

AGRICULTURAL TENEMENTS SECURITY FOR IMPROVEMENTS BILL.

(*Mr. J. W. Barclay, Sir George Balfour, Mr. Earp.*)

[BILL 86.] SECOND READING.

Order for Second Reading read.

Mr. J. W. BARCLAY, in moving that the Bill be now read a second time, explained that its objects were to encourage and stimulate improved cultivation of the land, to give security to the tenant for the value of improvements which benefited his successor, and to secure to the landlord his fair right to the increased value of the soil. What with untoward seasons, higher wages, cattle diseases, and foreign competition, farming had been very unremunerative in recent years; and many hon. Members had doubtless experience of difficulty in letting farms, and larger arrears of rent than usual. Farmers did not complain of low prices or foreign competition; but they did complain that they had not a fair amount of control over their farms, and had not the same opportunities which manufacturers possessed of making the most of their business. The law by declaring that the money which a tenant might expend in improving his farm belonged to the landlord when it was incorporated in the soil, or even, as in the cases of houses, when placed upon the landlord's soil, and perhaps even more, the antiquated and often absurd conditions regarding cultivation and crops imposed by the landlord on the tenant prejudicially affected, not only the interests of the tenants and of the public at large, but that of the landlord himself. It was to endeavour to find a remedy for some of these evils he had introduced this Bill. It was true that

the present Parliament had passed an Agricultural Holdings Act to remedy this state of things; but that Act was practically a dead letter. Landlords generally did not give their tenants security for the money they invested in improving the soil. Certainly the ordinary 19 years' lease which prevailed in Scotland was not sufficient to enable the tenant to recoup himself from his crops for the capital which it was now found necessary to invest in the soil. No doubt, the lease had done much to encourage the improvement of land in Scotland; but although a 19 years' lease might have at one time been sufficient, it was not now adequate to permit a farmer to recoup himself for the much larger amount of capital found necessary to meet the requirements of modern agriculture. The principles which he had endeavoured to embody in the present Bill were simple. Improvements were to be divided into two classes, called respectively permanent and temporary improvements. Under the name of permanent improvements the Bill included those improvements of land which should properly be executed by the landlord; but inasmuch as many landlords would not put themselves to the trouble, or encounter the risk of executing these improvements, the Bill provided that if a tenant carried out these improvements at his own expense, he should be entitled to a reasonable compensation for them at the end of his lease. The tenant, however, when he resolved on the improvement would first have to give notice to his landlord of what he intended to do; and if the landlord agreed to interest himself so far in the matter, he could ask the tenant to give him an estimate of the cost of the improvement, and if he offered to advance three-fourths of that cost himself, the remaining fourth would be expended by the tenant, who would also have to pay the landlord during the remainder of his lease 5 per cent per annum interest upon what the landlord expended. That was an arrangement which would be advantageous to the landlord, because he would have an improvement made upon his estate on advancing three-fourths of its cost, and during the remainder of the tenant's occupation he would receive 5 per cent interest on his outlay. Power would be reserved to the landlord to object to any improvement which the tenant desired

to make on the ground, either that it was not suitable to the holding, or that it would prejudice the estate generally; and those seemed to him (Mr. Barclay) to be the only two grounds on which any reasonable landlord would object to improvement of his land. On either of these two grounds the landlord could object, and if he showed that his objection was well founded, he could prevent the tenant from carrying out improvements; or, at all events, would cease to be responsible for them himself. The other class—that of temporary improvements—set forth in the Schedule of the Bill, included only those which ought naturally to fall on the cultivator of land, and which the landlord ought not to be called upon to execute. They were improvements the successful carrying out of which very much depended on the individual, both with regard to the cost and to the quality of the work, and which ought to recoup themselves in a few years. If the tenant carried them out and had to leave the farm before he had had time to recoup himself for the outlay, he was to have compensation, but the compensation would come practically, not from the landlord, but from his successor in the farm. The first class of improvements—those of a permanent character—were those which the landlord should pay for, and for which he would recoup himself by an increased rent from succeeding tenants; and the second class—or temporary improvements—were those which the cultivator of the soil ought to execute, and for which, if he was not repaid during the continuance of his tenancy, he would be recouped under this Bill by the in-coming tenant. The in-coming tenant again would be indemnified by receiving the farm in much better condition than it otherwise would have been. These were the two main principles of the Bill. There was also a provision for compensation of the tenant for unexhausted manures or fertilizers; but, as that was merely an extension of the present system of compensation, he would not dwell upon it. The Bill would have the effect of enabling parties, who as matters stood at present could not have the opportunity of contracting together, to adjust claims upon equitable terms—he referred to the outgoing and in-coming tenants. This, he considered, would be very advantageous

Mr. J. W. Barclay

for both parties. The Bill sought to lay down the general equitable principles whereby the in-coming tenant should pay to the out-going tenant a fair and reasonable compensation for the money which the latter had left to benefit the former in the soil. In settling what should be the amount of compensation, he had endeavoured to embody in the Bill provisions, not to enact a custom, because that was impracticable, but to lay down general principles the application of which was not tied down by any hard-and-fast rules, but in regard to which there was a considerable amount of elasticity, so that those principles might be fairly and equitably adapted to the various districts of the country. In dealing with such a question as improvement upon land, hard-and-fast rules as to the amount of compensation could not be laid down, because what would be a fair amount of compensation in one district would probably be unfair in another. He had laid down in the Bill what were the matters in respect of which an out-going tenant was to be compensated, and he hoped that under the provisions of arbitration a custom would by-and-by grow up in various districts throughout the country, under which it would be well known and clearly established what was a fair and proper compensation to allow to the out-going tenant under the peculiar circumstances of each case. The compensation both with regard to permanent and temporary improvements was to be fixed by arbitrators, who, after taking into consideration what was the increased value of the farm due to the improvements, what had been the cost of the improvements, and what benefit the out-going tenant had derived from them, would fix such a sum as they thought fair and equitable under the circumstances; but the compensation was limited by an over-ruling clause, which specified that no compensation for permanent improvements should exceed 15 years' purchase of the increased value of the holding due to the improvements, and in the case of temporary improvements, that the compensation should in no case exceed five years' purchase of the increased value of the land due to the improvements. Then it was provided, on the other hand, that the landlord should have power to obtain compensation for depreciation, or

else to eject the tenant. Arbitrators were to have power to examine a farm in the interest of the landlord, and if they found the farm in bad order, the tenant was bound to conform to the instructions of the arbitrators, and if he failed to carry out an improved cultivation, the landlord should have power to eject him. It might seem hard to the tenant that the landlord should have that power, and representation of this point had been made to him by many farmers; but it seemed to him equitable and just that, while on the one hand the tenant had a right to claim from the landlord compensation for improvements, the landlord, on the other, should have a right to claim compensation for depreciation, and to ultimately eject a tenant who persisted, after the arbitrators had given their award, in exhausting or improperly cultivating the farm. The hon. Member was proceeding, when—

It being a quarter of an hour before Six of the clock, further Proceeding was adjourned till *To-morrow*.

ARMY (ROYAL ARTILLERY AND ENGINEER OFFICERS, ARREARS OF PAY).

Select Committee to consist of Seventeen Members:—Lord ESLINGTON, Mr. GRANT DUFF, Lord GEORGE HAMILTON, Mr. CAMPBELL-BANNERMAN, Sir WALTER BARTHELOT, Mr. FAWCETT, Earl PERCY, Mr. MUNTZ, Mr. WILLIAM HOLMS, Mr. CARPENTER GARNIER, Mr. DENZIL ONSLOW, Captain O'BEIRNE, Mr. ARTHUR MILLS, Sir GEORGE BALFOUR, Sir HENRY WOLFF, Mr. COURTNEY, and Colonel JERVIS:—Power to send for persons, papers, and records; Five to be the quorum.

PUBLIC LOANS REMISSION BILL.

Resolution [June 29] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 226.]

TELEGRAPHS (MONEY) BILL.

Resolution [June 29] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. RAIKES, Lord JOHN MANNERS, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 227.]

IMPRISONMENT FOR DEBT BILL.

On Motion of Sir EARDLEY WILMOT, Bill for the abolition of Imprisonment for Debt in civil actions in certain cases, *ordered* to be brought in by Sir EARDLEY WILMOT, Mr. STAVELLY HILL, and Mr. WATKIN WILLIAMS.

Bill *presented*, and read the first time. [Bill 230.]

CHURCH PATRONAGE (SCOTLAND) LAW
AMENDMENT BILL.

On Motion of Mr. RAMSAY, Bill to alter and amend the Act thirty-seventh and thirty-eighth Victoria, chapter eighty-two, intitled, "An Act to alter and amend the Laws relating to the appointment of Ministers to Parishes in Scotland," ordered to be brought in by Mr. RAMSAY, Mr. BAXTER, and Mr. GRANT DUFF.

Bill presented, and read the first time. [Bill 231.]

BOARD OF EDUCATION (SCOTLAND) CON-
TINUANCE BILL.

On Motion of The LORD ADVOCATE, Bill to continue for one year the Board of Education in Scotland, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 229.]

COLONIAL STOCK TRANSFER (STAMP DUTY)
BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law with respect to the Transfer of Stock forming part of the Public Debt of any Colony, and the Stamp Duty on such Transfer, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. JAMES LOWTHER.

Bill presented, and read the first time. [Bill 228.]

House adjourned at five minutes
before Six o'clock.

HOUSE OF LORDS,

Thursday, 5th July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Colonial Fortifications * (133); Saint Stephen's Green (Dublin) * (134); General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) * (135); Local Government Provisional Orders (Sewage) * (136).

Second Reading—New Forest * (123).

Committee—Reservoirs * (103).

Committee—Report—Pier and Harbour Orders Confirmation (No. 1) * (112); Municipal Corporations (New Charters) * (125).

Third Reading—General Police and Improvement (Scotland) Act (1862) Amendment * (109); Trade Marks * (106); Royal Irish Constabulary * (120), and passed.

Withdrawn—Imbecile, Lunatic, and other Afflicted Classes (Ireland) (110).

IMBECILE, LUNATIC, AND OTHER
AFFLICTED CLASSES (IRELAND) BILL
(*The Lord O'Hagan.*)

(NO. 110.) SECOND READING.

BILL WITHDRAWN.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read the second time, said :

My Lords, the Bill which I have laid on the Table will, if it be approved by Parliament, have very important results for multitudes of our fellow-suffering countrymen, and your Lordships will bear with me while I state very briefly the motives which have led me to introduce it. So long ago as 1851 the Irish Census Commissioners addressed the Irish Government in these terms—

"We respectfully suggest to your Excellency the propriety of taking some steps towards the education and moral improvement of idiots and imbeciles—a subject which at present engages the attention of the philanthropic both in England and on the Continent, where several establishments for the purpose have been erected, and are supported by the State, and in which the susceptibility of this class to a certain amount of education has been demonstrated."

Ten years passed, and the suggestion had produced no result—nothing whatever was done to educate or improve these miserable people. A new Census took place, and in 1861 the Commissioners again pressed upon the Executive the same continuing necessity in precisely the same words;—but unhappily with no better effect—to the present hour no Government has paid any attention to it, and in 1877 things remain exactly as they were in 1851. A generation has passed away—the great work of charity which was urged by the Commissioners has gone on successfully abroad; and many of your Lordships may have seen the admirable institutions which have long existed in Belgium and elsewhere, redeeming unhappy children from darkness and misery, and restoring them in numbers to comparative intelligence and capacity for the business of life. In England very much has been done, and is doing, for the same noble purpose. Many admirable institutions have been established for the benefit of these unfortunate persons, and a great and good work has been accomplished. Ireland has had almost no share in this happy progress—for the first Irish Poor Law had no reference to the care of imbeciles. The Act of 1843, which provided for the deaf and dumb and blind, did not apply to those whose case is certainly not less lamentable, who have less power of self-help or self-assertion, who have far less chance of developing such capabilities of culture or enjoyment as God may have left to them, and whose miseries, from the neglect, disgust, or ill-treat-

ment of those around them, are incomparably greater. This began to be felt in England, and the Act of 1862 enabled the Guardians of the Poor to send to certified schools not only the blind and deaf, but also "lame, deformed, or idiotic persons." That Act does not extend to Ireland, and its beneficent provisions are to this hour denied her. What powers were given by the Act of 1843 have been admirably utilised. Voluntary institutions, amply endowed by voluntary benevolence, have been aided by the State, and Europe does not contain any establishments more efficiently worked for the blind and the deaf and dumb. On the same principles our reformatories and industrial schools have been made fruitful of immense advantage; and there is no sort of reason why, by the same agencies, asylums for imbeciles should not have been created with the same great results. But those agencies have not been provided; and whilst in this regard the rest of the world has been moving on, Ireland has remained where she was a quarter of a century ago. Fortunately, the Inspectors of Lunatic Asylums in Ireland distinguish imbeciles from lunatics in their statistical returns—a practice which the Commissioners and lunatic asylums in England would do well to follow, and I am, therefore, enabled to state to your Lordships the actual number and respective positions at the end of 1874. On the 31st December in that year there were in Ireland 8,151 imbeciles and idiots, of whom 1,740 were in workhouses, 638 were in asylums, and 5,773 were at large and utterly uncared for. The beneficence of a good physician, Dr. Stewart, who has devoted the earnings of his life to the maintenance of an institution for idiots, provides more or less for 43, many of whom are supported in it by their relatives; but there remain nearly 6,000, some 71 per cent of the whole, whose education and moral improvement are as entirely disregarded as when the Commissioners made their appeal in 1851. Crowds of them are homeless wanderers, exposed to all extremities of want and suffering, miserable in themselves, and a nuisance to that society which too often treats them with contumely and insult. Is not this a reproach to our humanity and a scandal to our civilization? Only 10 per cent of lunatics are so neglected in Ireland—

perhaps, unhappily, because they are feared by their fellow-men, whilst the poor imbeciles may safely be despised and left to pine and perish, and the minority, who are received into the asylum and the workhouse, ought not to be there. The imbecile and the lunatic should never be associated.

"It has long been our opinion," say the English Commissioners in Lunacy in 1865, "as the result of extended experience and observation, that the association of idiot children with lunatics is very objectionable and injurious to them, and upon our visits to country asylums we have frequently suggested arrangements for their separate treatment and instruction. It is always to us a painful thing to see idiot children, whose mental faculties and physical powers and habits are capable of much development and improvement, wandering without object or special care about the wards of a lunatic asylum. The benefits to be derived even in idiot cases apparently hopeless from a distinctive system, and from persevering endeavours to develop the dormant powers, physical and intellectual, are now so fully established that any argument upon the subject would be superfluous."

And the workhouse is for the imbecile, I need not say, a still worse abode than the asylum. It affords him no chance of training or development. It makes him the subject of ill-treatment and annoyance from those on whom his presence exerts a painful and demoralizing influence. In this state of things I offer to your Lordships a Bill which for the first time aims to carry out the suggestions of 1851 and 1861. It will secure for Ireland the advantage of English legislation, which has been so long enjoyed by the people of this country, and supply the machinery and the means for improving the condition of the thousands whose pitiable condition appeals to all our generous sympathies. I shall not argue that it is the right of those wretched people to be dealt with, as human beings, considerately and kindly, or that it is the duty of the Legislature to see that they are so dealt with. Until a recent period all who were afflicted with mental alienation or mental weakness suffered grievously from popular prejudice and ignorance—sometimes from gross neglect, sometimes from grosser cruelty; but better times have come, and humaner counsels have prevailed. We know that the lunatic's best possibility of cure is not from the dark cell or the iron chain, and that the imbecile is often capable of intellectual application, and of some, though limited

enjoyment. There is no longer a difference of opinion on these points—a large experience has made them plain and indisputable—the imbecile may be made industrious and happy. In the Grafton Street Institution and others to which I have referred, there are children who in other circumstances would have been thought incapable of thinking with regard to this life or the next, but who, by means of the care bestowed upon them in these institutions, have developed considerable intelligence, taken an interest in the industry in which they are employed, and are capable even of religious instruction. No one who has seen the children in the Royal Albert Asylum can have the smallest doubt that they are capable of becoming industrious and intelligent, and, above all, are capable of an enjoyment such as, but for an exercise of the charity I ask your Lordships to exercise, they never could have had in this world. But on these grounds only I do not base my appeal for those changes which will equalize English and Irish law and take away a great shame from Ireland. I shall say, in words which are not more felicitous and expressive than true in thought and generous in feeling—

“It is much, in an industrial point of view, to be able to turn idlers into workers, more especially when those idlers are not only themselves incapable of labour, but, by the necessity of being looked after, the keeping other persons from what might be useful and productive employment. But it is still more important, as I think, to assert, as we do by our care of these unfortunate persons, the principle that a human being is to be respected and valued as such, not for his capacity of productive labour, not merely for the sharpness of his wits, not because there is anything about him which is pleasant to see or which it is agreeable to have to do with; but simply because he is a member of the human race, born on English soil, and, therefore, in that double capacity has a claim upon us as a human being and an Englishman.”

My Lords, these are the weighty words of the noble Earl the Secretary of State for Foreign Affairs. He has done immense service to the cause of these imbeciles of England. On behalf of those of Ireland I press the same urgent claim, on the same high grounds which he has taken, and I am sure your Lordships will not regret it. You have already accepted unanimously an elaborate measure for the regulation of the practice in lunacy of the Irish Court of Chancery, which I had the good fortune

to carry through this House some years ago. It has worked admirably, and will be still more useful in the future for the protection of lunatics having property, great or small, over whom the Lord Chancellor has proper jurisdiction. The more numerous lunatics of a lower class are well taxed for in our direct asylums, which are liberally endowed and wisely managed, and if the Legislature will aid by its sanction and support the object of this Bill much good will be accomplished, and a great work of charity and mercy made complete.

Moved, “That the Bill be now read 2.”
—(*The Lord O’Hagan.*)

LORD ORANMORE AND BROWNE said, he would not have offered any opposition to the Bill, if he could see that it would be carried out in a proper and legitimate manner, as was done in England; but so far as he could understand the provisions of the Bill, its operation would differ from that of the Act for England. It did not seem to him that imbeciles would be cared for under the provisions of this Bill as they were here. He could not find any provision in the Bill for that close inspection and those minute returns which were required under the Act for England. He thought no paupers or other persons should be sent to any institution without strict inquiry. The Committee or Commission to which the noble and learned Lord referred recommended, as he understood, that these institutions should be made public institutions. Last year an Act was passed for the removal of harmless lunatics first of all to a poor-house, and he should have thought that Act applied to imbeciles, and that they could be sent to a properly certified house. The English Act gave a right of entrance to institutions of this sort to every guardian, overseer, and medical officer; but, so far as he could see, that was not provided for in this Bill. He thought this Bill would be a step towards doing away with public institutions, and after a little while sending the poor as well as the imbecile into private institutions which would not be at all under public supervision, as he thought they ought to be. He did not think the Bill could be amended in Committee without being completely taken to pieces, and, therefore, he moved that

Lord O’Hagan

the Bill be read a second time this day three months.

Amendment moved to leave out ("now") and add at the end of the Motion ("this day three months.")—
The Lord Oranmore and Browne.)

LORD INCHQUIN said, he would support the Bill, and thought the noble and learned Lord opposite (Lord O'Hagan) was entitled to all praise for having brought this subject under their Lordships' attention. In a recent Report of the Charity Organization Society it was especially recommended that this class of imbeciles and idiots should not be placed in the same house nor be subject to the same control with the more dangerous class of lunatics; and it was evident that by mixing the different classes much injury might be done to the former. Much of the lunacy of Ireland was due to the adulteration of drink. He hoped that Her Majesty's Government, even if they could not see their way to supporting the Bill, would deem the subject worthy of investigation.

LORD STANLEY OF ALDERLEY hoped their Lordships would not give their assent to the second reading of this Bill. He shared in the sympathy of his noble and learned Friend for the afflicted; but he thought that the 5,700 imbeciles now at large in Ireland were much happier in the pure air of Heaven than they would be if shut up, and that the noble and learned Lord had not made out his case; for he said that in Ireland a distinction was drawn between lunatics and imbeciles, and that they were not placed in contact, which was bad for them, whilst in England they were placed together; and so long as so many lunatics were at large in this country who were dangerous to the interests of England, the 5,700 imbeciles in Ireland, who were quite harmless, might be left at large. Though the imbeciles in Ireland were at large, they were not necessarily neglected, and this Bill would strike a blow at one of the best traits in the Irish character, for the poor in Ireland were remarkable for their kindness and good treatment of imbeciles. Moreover, their Lordships would remember that the Party which passed the Disestablishment of the Irish Church intended to apply the surplus of the Church funds to lunatic asylums; and it appeared to him that there might be a desire now

to swell the number of lunatics and afflicted in order to justify such an application of the surplus. But however that might be, he thought that if the country should decide upon such an application of the surplus, it would be better to wait till then, instead of raising more money for this purpose by taxation.

THE EARL OF COURTOWN said, that though it might be as well that some such measure as this should be adopted by Parliament, it seemed to him that the Bill before their Lordships was open to several objections. He objected on the ground of the additional burdens it would cast upon the ratepayers, and doubted whether it was within the competence of their Lordships to entertain the taxation clauses. He objected also to the arbitrary power of arrest given to the police in respect of lunatics found.

THE DUKE OF RICHMOND AND GORDON said, there could be no doubt that the subject which had been brought before the House by the noble and learned Lord was one of great importance; but there were two reasons why he thought it would be inexpedient to press the Bill at the present time. In the first place, the Government, fully alive to the magnitude and interest of the question, proposed to issue a Commission to inquire thoroughly into the whole matter; and, in the second place, even if that were not the case, he did not think it would be advisable to embark upon a measure of this kind at so advanced a period of the Session, more especially when it was remembered that there was a Committee of the other House sitting at the present moment upon the whole of the Lunacy Laws of the country.

LORD O'HAGAN said, that after the assurance of the noble Duke he should not ask their Lordships to proceed further with his Bill.

Then the said Amendment, original Motion, and Bill (by leave of the House) withdrawn.

NEW FOREST BILL—(No. 123.)

(*The Lord President.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND AND GORDON, in moving that the Bill be

now read the second time, said, he would remind their Lordships that the subject-matter of the measure had already passed through the ordeal of various inquiries and investigations in Committees of both Houses of Parliament. The principal object of the Bill was to define the mode in which the Office of Woods and Forests should exercise the powers given to it by existing Acts—namely, the Acts passed in 1691, in 1808, and in 1851—in reference mainly to the rights of the commoners, the public, and the Crown, and to amend the constitution of the Governing Body of the Forest. The area of the New Forest was at the present time something like 63,000 acres. Formerly—in the days of William the Conqueror and the Norman Kings—it had been larger; but it had since been diminished to the area he had just named. The ownership of the Forest—or, rather, those who were interested in it—might be divided into three heads. In the first place, there was the Office of Woods and Forests, representing the interests of the Crown; in the second place, there were the commoners, numbering about 1,300, and composed partly of small freeholders and labourers, whose rights had existed for hundreds of years; and then there was the public, who were interested in the preservation of the Forest as an open space for the purposes of recreation. As to the rights of the two first—the Crown and the commoners—by the 12th and 13th clauses of the Bill, the existing rights of the Crown were preserved, and if the measure passed those rights would in no way be interfered with. The clauses ran as follows:—

“12. Nothing in this Act shall take away, abridge, or prejudicially affect any estate, right, title, power, claim, or privilege of Her Majesty, in, over, or to the Forest except in so far as is by this Act provided in relation to the exercise of the right of enclosure and the exercise of the right of enforcing the fence month and winter heyning during the payment of such acknowledgment as is in this Act on that behalf mentioned; and in the event of the Forest being disafforested and separate allotments being made to Her Majesty, and to the persons entitled to rights of common in or over the Forest, every estate, right, title, power, claim, and privilege of Her Majesty, in, over, or to the Forest, and the rights of the persons so entitled as aforesaid, shall respectively be estimated, valued, and allowed as they would have been if this Act had not been passed, and it is hereby declared that the right of Her Majesty, her heirs and succes-

sors, to common of pasture and other rights of common over the Forest in respect of any property belonging to Her Majesty in severalty be unimpaired. 13. Nothing in this Act shall affect or prejudice any right of the Crown to any dues or sums hitherto payable by the commoners or other persons.”

He might add that the rights of the Crown and of the commoners had been generally estimated as being about equal. That fact was shown by an arrangement which was made when a railway was constructed through that part of the country, the money paid by the Railway Company being laid out for the mutual benefit of the Crown and the commoners. The entire subject had been considered by several Committees. One Committee of their Lordships' House sat in 1868 to inquire into the operation of the Deer Removal Act, and in their Report they recommended equitable consideration being given to the claims of the commoners. That recommendation, however, did not find general favour, either in or out of Parliament. The country was not in favour of having the main features of a Forest, which had practically remained unchanged for something like 800 years, altered in the manner suggested by the Committee. A Bill to give effect to the recommendation was introduced in 1870; but having been read a first time, it was not afterwards heard of. For several centuries there had been no dispute as to the relative rights existing in the Forest. The Crown enjoyed the right of sporting, the commoners enjoyed the rights of which he had spoken; and only at a comparatively recent period did any difference of opinion arise. He would remind their Lordships that in 1698 an Act called the Plantation Act passed, which recited that it was necessary that an opportunity should be given of growing timber to keep up the Navy of the country, and the provisions of the Act were drawn with that view. In the year 1808 another Act was passed which superseded the former Act to a certain extent. It carefully set out that the planting under the Act should be done judiciously, and Commissioners were appointed to arbitrate between the Crown and the commoners, so that the interest of the latter might not be injuriously affected. The first real difficulty occurred after the passing of the Act of 1851, which was known as the

The Duke of Richmond and Gordon

Deer Removal Act. By that Act power was given for the first time to plant trees as distinguished from timber. The Office of Woods claimed such power of planting under that Act—and of planting fir trees totally irrespective of the rights of the commoners—that at no distant period the whole of the New Forest would have become one vast fir wood. He would leave it to their Lordships to say whether the rights of the commoners or the enjoyment of the public would in any way have been preserved if that course had been adopted. The commoners came to the conclusion that the views of the Office of Woods as regarded planting were not wholly confined to the object of improving the New Forest. They thought, in fact, from the proceedings of the Department, that the Office of Woods was actuated by some desire to depreciate the rights of the commoners in case of disafforestation;—and he admitted that from the evidence taken before the Committee of the House of Commons in 1854 the commoners did not appear to have been so very far wrong. Mr. Cumberbatch, the Deputy Surveyor of the Forest, in a letter addressed to the Chief Commissioner, dated the 31st of December, 1853, spoke of the power acquired under the Crown by the Deer Removal Act as follows:—

“If this were done”—that is, large areas at once taken for planting—“nearly the whole of the land fit to grow oak timber in the New Forest that is not covered with growing plantations or already enclosed for the purpose of planting would be enclosed,” and “much would become self-sown; exclusive of other advantages, by so doing all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted.”

In 1854, Mr. Cumberbatch was examined before the Select Committee of the House of Commons, and, in reply to Mr. E. Denison, said—

“There are several requirements in the New Forest; one is, that land should be cleared for planting; and another is that as much land as possible should be kept covered with timber—because whenever we come to a general enclosure the more land is covered with timber, the greater allotment the Crown will get, and therefore I think the policy of the Crown is to keep as much land as possible covered with timber.”

In 1875, Mr. Howard, the Chief Commissioner of Woods, when under exa-

mination before the Select Committee of the House of Commons, was asked, with respect to the letter of Mr. Cumberbatch, whether he thought it a fair policy to adopt towards the commoners, to which he replied that—

“He thought it was good advice for the deputy surveyor to give to his employers; but he had better have done it *ried voce*.”

The Chief Commissioner would, therefore, not have made known the views so expressed by the deputy surveyor. Mr. Howard was afterwards asked whether he was disposed to repudiate that policy; to which he answered—“No, I do not repudiate it; I only say it had better not have been printed.” Now, he (the Duke of Richmond) might almost rest his case upon that statement; but further on, in answer to another Member of the Committee, Mr. Howard, said that the policy of Mr. Cumberbatch, in a worldly point of view, was right, and ought to be adopted. But what was to become, in that case, of the unfortunate commoners he (the Duke of Richmond) did not know. The Office of Woods claim to have planted 16,000 acres of the New Forest with trees, which made that space valueless to the commoners. In 1870 representations were made to the Commissioners appointed under the Act of 1851, who were asked to mediate between the Office of Woods and the commoners. The latter complained that their interests had been unjustly dealt with. The Commissioners agreed in that view, and accordingly they declined to sanction the arrangements proposed. They had a meeting on the 14th of September, 1870, at which they came to this determination, and they had never met since; so that the operation of the Act of 1851 had come to a deadlock. In 1871 a Resolution was agreed to by the House of Commons that, pending legislation, no further enclosures should be allowed. A Select Committee was appointed by the other House in 1875. It was one in which both Houses would feel confidence, and it sat 14 days. The Committee examined Mr. Howard, the Chief Commissioner of Woods; Mr. Watson, solicitor; Mr. Cumberbatch, the deputy surveyor; Mr. Olutton, the Crown Surveyor of Timber, &c. They inquired very fully into the interests of the commoners and the public, and they agreed to a Report. The Committee had two courses open to

them—the alternative of disafforesting, which had commended itself to the Committee of their Lordships' House in 1868, and the less violent remedy of endeavouring to reconcile conflicting interests by doing what was just and fair to all parties. The last was the recommendation they adopted in their Report, and the Bill was absolutely and entirely identical with the Report, as far as a Bill could follow the Report of a Committee. The Committee of the House of Commons recommended—

“That powers of enclosure conferred by statute shall be exercised only on that area which has hitherto been taken in at various times, and been either kept or thrown out under the Acts 9 & 10 Will. III., c. 36, 48 Geo. III., c. 72, and the Deer Removal Act, 1851. That the Crown should retain the power of keeping 16,000 acres of growing timber and trees planted under the Acts of William III. and 1851 at all times under enclosure; and that the Crown be entitled to enclose and throw out at will any portion of the area over which the powers of planting are to be exercised, with a view to its unrestricted use in such manner as may be deemed expedient for the most profitable growth of timber and trees; but that the rolling power over the open portion of the forest not now planted or enclosed under the Acts William III. or 1851 should cease. That a nominal quit-rent be charged by the Crown to the commoners for the exercise of the right of common during fence month and winter heyning; provision may be made, if possible, for the payment of such quit-rent by some body representative of the commoners. That the Verderers Court be re-constituted, so as to better represent the commoners, and to have power to regulate the exercise of the commoners' rights over the Forest, and to appoint officers to prevent encroachments upon them. That all the rights of the Crown reserved under the Acts of William III. and 1851, except as it is herein suggested that they should be modified, be maintained.”

Those were the provisions which the Government had introduced into the present Bill. There were some other points with regard to the “winter heyning” and the fence month, into which it was unnecessary to enter. The Bill also provided a new constitution for the Court of Verderers. The present measure was introduced into the other House of Parliament, where it was referred to a Select Committee. The Committee only sat for one day, and only a single division occurred on one of the provisions of the Bill, the numbers being eight to one in favour of the Bill. The Amendment of which the noble Duke (the Duke of Somerset) had given Notice went to destroy the Bill altogether. What the noble Duke meant was disafforestation,

The Duke of Richmond and Gordon

which he advocated some years ago. If the Bill did not pass, matters would revert to the *status quo* which had existed ever since the Resolution of the House of Commons in 1871 that, pending legislation, nothing should be done. If, however, nothing was to be done, it seemed to him that the position of affairs in the New Forest would be very bad. He trusted that their Lordships would pass a Bill which carried into effect the recommendations of the House of Commons Committee, and under which the rights of the commoners would be protected, while the rights of the Crown would be in no way interfered with. He now asked their Lordships to give this Bill a second reading.

Moved, “That the Bill be now read 2.”
—(*The Lord President.*)

THE DUKE OF SOMERSET, in moving, as an Amendment, that the Bill be read a second time this day three months, said, that he rose to oppose this Bill as injurious to the rights of the Crown:—it was a Bill, in fact, to take away the property of the Crown, and transfer it to the commoners and the electors of Southampton. He would first ask their Lordships to remember what were the rights of the Crown with regard to the New Forest. The Crown had practically a right to 63,000 acres of land in the New Forest; it had forestal rights; and it had also 2,000 acres which were the absolute property of the Crown, and were held altogether separately. The right with which they were now dealing was the right of the Crown to these 63,000 acres. He would ask their Lordships to consider what were the rights of the Crown separately from the Act of 1851—because, by the present Bill, they were about to repeal altogether the Act of 1851. Previous to that Act the Crown had an absolute right to the soil—it had a right to keep an unlimited stock of deer—the number shortly before the Act was passed had been about 8,000—and, in fact, the Crown had a right to stock the Forest with deer to any extent, and the rights of the commoners were quite subordinate to that right. The Crown had also an exclusive right to the Forest during six months of the year—the six months of “winter heyning” and the fence month. During the summer

therefore, the rights of the commoners were in abeyance, and their cattle, pigs, and whatever stock they had were sent away. The Crown had also the "rolling right," that is, the right of planting 6,000 acres; and when any part of that area was covered with trees high enough to be secure from injury by deer or by commoners' cattle, the Crown had a right to inclose as many acres as it then threw open. On the other hand, the commoners had the right of pasture, concurrent with the Crown's rights, during six months of the year; they had also a right to a certain amount of timber for fuel, but not for sale, and the right to cut turf under consent of the verderers; but all those rights were subordinate to the rights of the Crown. About 1840 the House of Commons entertained a notion that the property of the Crown might be made much more valuable, and they accordingly appointed a Committee to inquire into the different forests of the Crown. The Committee considered the New Forest in 1848 and 1849, and made certain recommendations. In the year 1850 a Royal Commission was appointed to consider the state of the New Forest and the means of improving it. It inquired under the presidency of Lord Portman; and it reported that the first thing to do was to get rid of the deer, as it was impossible to improve the Forest so long as they were retained; and, moreover, that deer were the cause of demoralization of the surrounding population, owing to the poaching to which it gave rise. In 1850, when the Commission reported, Her Majesty had done him the honour of appointing him to the Office of Woods, which was at that time a Parliamentary Office, and he had to consider how the recommendation of the Commission regarding the deer could be carried into effect. He looked to see what had been done in previous times. He found that in 1786 there had been a very careful inquiry, followed by legislation. Following the precedent of a Bill introduced by the Government in the year 1792, he proposed to abolish the right of the Crown to maintain deer, and to inclose 20,000 acres as a set-off. This was in accordance with measures formerly adopted in other Royal forests. A Bill to that effect passed the second reading, and was referred to a Select Committee, by which it was approved. But some persons representing the commoners

and landowners of the New Forest came to him and said he had taken too much land in consideration of abolishing the deer. Meetings were held; and after some time it was agreed, instead of taking 20,000 acres, to limit himself to 10,000 acres, which, with 6,000 previously taken under the Act of 1698, extended the rights of the Crown to 16,000 acres, and a Bill to that effect was passed in 1851. At that time the rights of the commoners had not been clearly ascertained. A Commission was appointed to ascertain those rights, and a considerable sum of money was spent. A small portion of the Forest was under the Bill agreed to be sold to defray that expense. When that was done it was not thought that in establishing 1,000 or 1,200 men in perfect rights of common they were giving them a great interest in resisting the rights of the Crown. Before that the commoners had not the same interest; but when they saw that they had real rights entered in a book they could combine together, and they combined accordingly, saying that their rights were much injured. Some of them were electors for South Hampshire, and as soon as they got that right they used it for the purpose of increasing their rights. The Act of 1851 reserved the rights of the Crown, providing that nothing contained in it should tend to take away, alter, or affect any of the rights or privileges whatsoever of Her Majesty, her heirs and successors, in, over, and upon the Forest other than the right of keeping deer there. The Act left all the other rights of the Crown, save that of keeping deer, untouched in any way. Therefore, the rights of winter heyning and the exclusive right over the Forest for six months remained vested in the Crown. That was the decision of the Commission which sat and considered the subject. In 1868 they had a Committee of that House. It was quite true that it proposed to disafforest the Forest to a certain extent. If another arrangement were to be made, he saw no other way than to give some of the property to the Crown in severalty, and so separate the rights of the Crown altogether from those of the commoners. It was quite clear that a joint occupation of common was injudicious, and must be the subject of continual disputes. The Committee of 1868 said, and said truly, that the interests of the Crown and those of

moners were at variance, and that must be a perpetual struggle between those conflicting interests. The Committee were of opinion that the right was to appoint a Commission for some portion of the Forest to the in fee, free from all common

That was proposed by the Commission 1868. It was, he confessed, with the view that he agreed to that Report, did so because he saw no other way of settling the dispute between the Crown and the commoners. Well, as proposed to be done by this Bill? It repealed the Act of 1851; it provided that the Crown was to have a right over no more than about 16,000 or 17,000 acres, while the commoners were to have the other 45,000 acres. That was a very unfair division. The forests of the Crown were taken away; the exclusive rights for six months were taken away; and the Crown was placed in a much worse position than it occupied before the Act of 1851,

but it had the right of keeping deer. The 14th clause of the present Bill provided that in consideration of the grant to Her Majesty on behalf of the commoners of the sum of 20s. on or before the 14th of January the rights of Her Majesty to the winter heyning and the month were all to cease. When asked at that he naturally said to—"Here the Crown's right for six months is valued at £1 sterling." What was the right of the commoners valued at? The commoners' right was not an exclusive right, but concurrent with the right of the Crown.

but the Bill put the right of the commoners as worth 45,000 acres, while the Crown was valued at £1.

He thought a most unjust arrangement as to the constitution of the Verderers—the verderers were seven in number, six to be elective,

the Crown was to appoint only one. The verderers were not to take an oath of office; and that was well, because they were to do what was expected of them, there was to be no justice for the

The electors were to be, not the commoners only, but all persons whose names were on the list of Parliamentary electors of any parish within the perambulation of the Forest. With regard to the Committee of 1877, it was true that it had been referred to a Select Committee—the Committee sat exactly one

day. It took to hear anyone, nobody represented the same as of 1875, with the Crown. The Bill was sent by the House of Commons, not representing the noble Duke that the Bill was that the commoners but was the Crown's they not to they not to between the rights of would take and put the position that asked, they not be read had a Commission sider in which equivalent been taken

Amendment ("now") Motion ("The Duke of Somerset")

THE LORDS. I listened with attention to the speech of your Lordship just sat down. I am persuaded that I have led him to do what he has done by the amendment which has been introduced by this arrangement. He has been assented to by the Committee. I asked your Lordship what was the position

when the Duke says, the Crown had unlimited stock in the security of the Forest, excluding the winter moor place, it has acres with this unlimited the Forest, "unlimited"

Duke of Somerset

at in point of practice it has no
g whatever. There is no power
unlimited quantity in the New
any more than in any other
and every person knew that the
of the Crown was limited by the
y to maintain deer in winter, and
e limit was as practical as if had
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ore it is perfectly absurd—if the
Duke will excuse me for saying so
ome lawyers who have spoken on
object to talk about the unlimited
of the Crown to place deer upon
w Forest in thousands and thou-

As the New Forest had a limited
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own, in order to save the lives of
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as the original right of the Crown,
continued for 300 years. The
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ose, within a period of 20 years,
acres and plant them with timber.
ore, the object of the Act was not
st the rights between the Crown
e commoners—to take something
ne one side, and to give an equi-
to the other—but to promote a
public purpose—to give facility
growth of timber for the Navy.
that time the commoners them-
derived very great and substan-
nefit. When the trees were of
e enclosure was to be thrown up;
r years before the timber was
red, the commoners had the benefit
shade of the trees and the right
ng the bark of the trees—a most
le right. Now, on the other hand,
ble Duke (the Duke of Somerset)
light of the rights of the com-
; but I find that by a valuation
y officers of the Crown themselves
9, the interests of the commoners
New Forest were computed to be

from one-half to two-thirds of the value
of the Forest; while Mr. Clutton, an
eminent land surveyor, acquainted with
the district, estimated them at less than
one-half. I now come to what the noble
Duke calls the bargain of 1851. The
noble Duke speaks of that arrangement
as though it had been a bargain between
the commoners on the one hand and the
Crown on the other. The persons to
whom the noble Duke refers were those
who lived upon the confines of the Forest,
and who were interested and rejoiced
very much in its amenities, which were
of great advantage to them. It was quite
true that their case was that the deer
were a great inconvenience to them—
that they had been compelled to fence in
their property against the deer, which
they alleged did considerable injury to
it; and their demand was that the Crown
should give up keeping those animals in
the Forest. But the poor commoners
did not intervene—in fact, at that time,
and, indeed, for some years afterwards,
it was not known who the commoners
were; but it was subsequently ascer-
tained that they consisted mainly of poor
men having small properties to whom
the pasturage in the Forest was of con-
siderable value. And what was the view
of the deer taken by these persons?
Why, instead of being a disadvantage to
them, they were of the greatest possible
advantage, inasmuch as they kept down
the rank herbage, the heather, and the
low undergrowth, which, if allowed to
grow, ruins the pasturage. But now
that the deer have been removed, the pas-
turage is very much worse than it was.
Every person who has had experience of
the deer forests in the North, knows
what is the result of not keeping down
the rank herbage. Therefore, so far
from the commoners having entered into
a bargain with the Crown in 1851, I
believe that they had considerable reason
to complain of what was then done. But
what was done in 1851? I venture to
say that the arrangement made then
was wrong in principle, and that when
it came to be carried out in prac-
tice, the practice was worse than the
principle, and that it was absolutely
broken down. The principle of that
arrangement was this—by way of fol-
lowing out the precedent which had
been established with the view of pro-
moting the growth of timber, Parlia-
ment was asked to extend the principle

of that precedent to an extent that had never been contemplated by those who were responsible for it, and to sanction the enclosure of portions of the Forest, not for the purposes of the growth of timber, but to compensate the Crown for giving up the deer. Now, if it was intended to have compensated the Crown at all, it would have been much better to give it a specific allotment of land. Nothing could have been worse than to give the Crown a rolling right to go from part to part of the Forest and enclose land here and there and to plant firs and other trees to an enormous extent. Every person who visits the New Forest is shocked to see miles of hideous, black, unsightly fir plantations which even when they have come to maturity will scarcely repay the cost of planting, and which have absolutely ruined for ever the best pasture land in the Forest. Even if these trees were cut down at once it would be impossible, without going to an enormous expense, to restore the land for the purposes of pasture. And what has been the result of the arrangement? Why, the powers given to the Crown by the Act of 1851 could not be exercised. Under the provisions of the Act these enclosures were not to be made at the mere will of the Crown, but with the consent of the justices of the peace in the neighbourhood; and the result has been that in a large number of cases the Crown has been unable to obtain that consent. Therefore, the present position of things is this—that the Crown has, in law, a rolling right to make plantations all over the Forest, but that that right cannot be exercised. I think that the House will agree with me that that is a position of things which ought not to be allowed to continue. Under this Bill an absolute and an incontestable right is given to the Crown to enclose over a space of 18,000 acres, which it is calculated will about compensate the Crown for the rights to enclose over other parts of the Forest which will be taken from it. The remaining rights of the Crown over the rest of the Forest are rights which will only be of value—and then of very considerable value—if ever disafforestation should be made—and these rights the Bill expressly reserves. It appears to me that the recommendation of the Committee of the other House upon which this Bill is based is a very fair settlement of this

difficult question. Something has been done. Things can no longer be as they are. The Government, as the noble Duke has said, render the rights of the Bill will enable the Crown to exercise rights which it cannot exercise now, and it will save all that the Crown now possesses. It has been done in regard to the forest in the winter heyning in the same course as that recommended by the Committee of your Lordships. Then, again, the noble Duke's objection to the Court of Chancery at present, the Crown is one of the four; in future it will be one of seven. I trust that in these circumstances, your Lordships will support the appointment of committees to investigate further inquiry—it has been submitted to every kind of inquiry that you will give effect to the provisions of the Bill which have been almost unanimously approved by the House, and which, I think, is wise and sound.

EARL GRANVILLE: I feel himself competent to make a legal argument, while I leave to the learned Lord on the other side of the Chamber to see that the Crown is not to lose away its rights over the Forest to the extent that I thought it was the duty of the Government to prevent the deterioration of the Crown's rights. I would not be told that the Government, having large estates, have an object in dealing with the Forest as to be to preserve it and its natural beauty and peculiar charm, and that the Bill signifies that. No provision was made for the loss of timber; and yet the Department had not acted judiciously in the directions it had meted out, tending to the loss of a Public Department, the control of the Forest, the monies of the Forest, far indeed from preserving for the state of the Forest. He could not see what was to be referring

The Lord Chancellor

mittee. Their Lordships were asked to reverse the decision to which they came only nine years ago after careful consideration, and before doing that he thought they should have had an opportunity of going through the Bill by means of a Select Committee.

VISCOUNT EVERSLEY said, that after the able and exhaustive speech of the noble and learned Lord on the Wool-sack, it would be presumptuous in him to detain their Lordships by many observations on the Bill then under discussion; but he hoped he might be allowed to say that, having taken great interest in the operation of the Deer Removal Act of 1851, he readily accepted this Bill as a just and reasonable settlement of the claims of those who had rights of Common over the New Forest and the Crown, for it must not be forgotten that over and above the 18,000 acres which were to be reserved for planting, the Crown would have the benefit of all the self-sown timber grown in other parts of the Forest, which was said to be rapidly increasing in consequence of the removal of the deer.

THE DUKE OF SOMERSET withdrew his Amendment.

The said Amendment (by leave of the House) *withdrawn*: Then the original Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

POOR LAW—THE BOARDING-OUT SYSTEM.—QUESTION.

VISCOUNT ENFIELD asked the noble Duke the Lord President of the Council, Whether the attention of the Local Government Board has been called to the cruelties inflicted upon two pauper children boarded out by the Nantwich Guardians to a farm labourer and his wife named Sudlow; and, whether the Poor Law Inspectors have made any reports as to the working of the boarding-out system in the case of pauper children?

THE DUKE OF RICHMOND AND GORDON said, he was not at all sorry that the noble Lord should have put a Question upon such a very distressing case as that to which he referred. The Local Government Board had required an Inspector to report upon the case, and it appeared from the evidence that it was the grossest neglect. The

circumstances under which these children were boarded out were somewhat as follows:—It appeared that two years ago the Guardians of the Nantwich Union, contrary to the advice of the Local Government Department, came to the resolution to board out their orphan and deserted children, in order to save themselves the expense of building, or uniting with another Union in building, a suitable place for them. The Guardians, it is true, in July, 1875, prepared some rules under the Orders of the Local Government Board of 1870, in reference to boarding-out of children; and if those rules had been properly attended to, this lamentable occurrence would not have taken place. One of those rules was that no child should live more than two miles distant from the school or the church. That rule had been entirely neglected, as these children were sent to live at least 2½ miles away, and they never went to the school or the church. A gentleman connected with the Union, who was the only visitor in the district, requested the relieving officer to report upon the condition of the children. He did, accordingly, report for one or two quarters, and then made no further inquiry. The subject of boarding-out had undergone much inquiry by the Local Government Department. The system had been urged upon the Government, but there was some difficulty in framing the Orders. Two Orders of 1870 dealt with the matter—one Order related to boarding-out within the Union, and the other related to it without the Union. At present, there were 306 children boarded out without the Union, and 2,095 boarded out within the Union. Where they were boarded out without the Union, it was a much better system, as certain things had to be done in compliance with the regulations of the Local Government Board—for example, the parties were called upon to give an undertaking that the children should be well looked after; and they were also under the inspection of the Visiting Committee. But where the children were boarded out within the Union, the Guardians were paramount, and the Local Government Board could not interfere with the arrangements made. He might state that the subject of boarding-out was one which had much engaged the attention of the Local Government Board, and the Inspectors had been called upon to report as to the

soundness of the system. In some cases, the Reports were satisfactory, and in others not so; and in those cases the Guardians had been ordered to take the children back to the workhouse in order to their being properly cared for. There had been considerable difficulty in drawing up in detail the proper Orders in respect of boarding-out within the Union; but he believed that his right hon. Friend had now overcome that difficulty. He had issued an Order to all the Local Government Board Inspectors, asking for their comments upon it, and to point out whether they thought the Order would work well or not. His right hon. Friend was now waiting for the Inspectors' Reports, and as soon as he received them the Order would be put into a practical form, and it was hoped would prevent the recurrence of such a lamentable case to that to which the noble Lord had called attention.

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 5th July, 1877.

MINUTES.]—NEW MEMBER SWORN—Viscount Mandeville, for the County of Huntingdon.

SUPPLY—considered in Committee—ARMY ESTIMATES.

PUBLIC BILLS — *First Reading* — Bankruptcy Law Amendment* [234]; Gas and Water Orders Confirmation (Abingdon, &c.)* [235]; Local Government Board's Provisional Orders Confirmation (Belper Union, &c.)* [236]; Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.)* [237].

Second Reading — East India Loan [215]; Sheriff Courts (Scotland)* [209]; Local Taxation (Returns)* [220]; Elementary Education Provisional Orders Confirmation (Fellingham, &c.)* [223].

Committee—Supreme Court of Judicature (Ireland) (*re-comm.*) [184]—R.P.; Provisional Orders (Ireland) Confirmation (Holywood, &c.)* [225]—R.P.; Solicitors Examination, &c. [190]—R.P.

Committee—*Report*—Public Works Loans (Ireland)* [139]; Companies Acts Amendment (No. 3)* [171-238]; Legal Practitioners* [43]; Factors Act Amendment* [168].

Third Reading—General Police and Improvement (Scotland) Provisional Order Confirmation (Leith)* [211], and *passed*.

The Duke of Richmond and Gordon

PRIVATE BUSINESS.

TASMANIAN MAIN LINE RAILWAY BILL. [*Lords.*]

THIRD READING.

MR. RAIKES explained, that he had, on a former occasion, stated that a sum of £117,000 had been spent in floating the company, and that Mr. Albert Grant appeared to be under the impression that what he said was that he had received that amount. He had since investigated the matter, and he found that it was computed that a sum variously estimated from £103,000 to £170,000 had been expended, if not wasted, in promoting the company; but he also found that Mr. Grant was stated to have received only the ordinary and legitimate commission of 2½ per cent for having introduced the debentures, and that there was nothing to warrant the conclusion that he had appropriated the sum mentioned to his own purposes.

Bill read the third time, and *passed*, with Amendments.

QUESTIONS.

SCOTCH HERRING FISHERIES. QUESTION.

SIR WILLIAM CUNINGHAME asked the Secretary of State for the Home Department, Whether his attention has been called to a letter from Captain Kerr, of the steamship "Gael," which appeared in The "Glasgow Herald" of the 19th instant, describing the extent to which the destruction of herring fry is carried on in the Firth of Clyde and the neighbouring waters; and whether the statements in that letter are substantially correct that the greater part of the fish so killed lately have been too small to be taken ashore, and that even of those taken ashore great numbers are thrown away as unfit for sale; and, if so, whether, considering the scarcity of herrings in that district, any steps can be taken to prevent for the future the wasteful destruction of immature fish?

MR. E. STANHOPE: The attention of the President of the Board of Trade has been directed to this question. I am not able to give the House any pre-

cise information as to the correctness of the statements contained in Captain Kerr's letter; but there can be no doubt that there is a large destruction of herring fry in the manner described. In spite of this, however, the take of herrings in this district has largely increased. The House is probably aware that the Government is about to send a small Commission to Scotland to inquire into certain complaints which have reached them as to the fisheries, and this subject will be fully investigated.

NAVY—RETIRED NAVAL OFFICERS. QUESTION.

MR. P. A. TAYLOR asked the Secretary to the Admiralty, Whether, in the event of officers on the Retired Lists of the Navy being called again into active service, the Government would entertain any applications made by them for compensation for pecuniary loss incurred by their being obliged to give up any business or other civil employment which they might be engaged in at the time; whether such officers so called upon would be appointed to serve according to their rank and seniority on the Retired Lists; and, whether, on officers being retired either compulsorily or at their own request, it was made known to them that they would be liable to be called again into active service, in the same way as information to the like effect is communicated to seamen and marine pensioners under Article 23, at page 245, of the Queen's Regulations for the Government of the Navy?

MR. A. F. EGERTON, in reply, said, that in the event of officers on the Retired Lists of the Navy being called again into active service, they would not be entitled to claim compensation for giving up civil employments in which they were now engaged. The Admiralty would reserve to themselves the same power of selection which they exercised according to the Queen's Regulations, and they would be dealt with according to their respective ranks.

TRADES UNIONS—SOUTH YORKSHIRE MINERS' ASSOCIATION.—QUESTION.

MR. SANDERSON asked the Secretary of State for the Home Department, Whether his attention has been called to the decision of Mr. Serjeant Tindal Atkinson, County Court Judge at Barns-

ley, as reported in the "Yorkshire Post" of June the 15th, as to the funds of the South Yorkshire Miners' Association for the benefit of widows and orphans, which decision affects most seriously the future maintenance of three hundred widows and five to six hundred orphans, and having regard to the deprivation and loss likely to ensue to these unfortunate people who were led to believe that they had some provision to fall back upon in time of need, whether he will interfere on the part of the Government by instituting an investigation into the management of this association, with a view to inquiry whether the funds have been in any way misappropriated from the purpose for which they were subscribed?

MR. ASSHETON CROSS, in reply, said, he very much regretted the position in which the particular society in question found itself, for the sake of those persons who had been practically deprived of the benefits which they might reasonably have expected to receive from it. The decision of the learned Judge was, however, he believed, perfectly correct, so far as the law of the matter was concerned. He was advised that the effect of a contrary decision would be that, if trades unions were brought within the law, proceedings might be instituted in the Courts to compel workmen to abstain from going to work, or, if they continued on strike, to compel trustees to apply their funds for the maintenance of strikes.

METROPOLIS — SAINT MARGARET'S CHURCH—THE ALBERT MEMORIAL.

QUESTION.

MR. BAILLIE COCHRANE asked Mr. Chancellor of the Exchequer, Whether the Government has subscribed towards the restoration of Saint Margaret's Church; and, if so, whether the restoration may be postponed until the Report of the Committee on Public Buildings has been laid upon the Table, as it may then be considered desirable, if a suitable approach to the Houses of Parliament is to be made, to remove Saint Margaret's, in order to open to view Westminster Abbey; and, whether it is true, as stated in last Monday's papers, that the Commissioners of the Exhibition of 1851 have sold ground on which it is proposed to erect a building so lofty that it will greatly injure the effect of the Albert Memorial?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he would answer the second Question first. The Commissioners of the Exhibition of 1851 had recently leased some land in the Kensington Road; but they were exercising great care to prevent the erection of buildings so lofty as to injure the effect of certain monuments, and they had refused to permit the erection of a building which would possibly have the effect of injuring the appearance of the Albert Memorial. With regard to Saint Margaret's Church, a sum of £1,500 had been voted for its restoration, as had been done in former years, owing to the interest which was taken in it by the House. The restoration would be carried out under the direction of the authorities of the parish, and the Government had nothing to do with postponing it, or accelerating it. The works were not likely to be undertaken before the Recess, so that in all probability the Report referred to would be submitted beforehand.

TOWNLANDS AND TOWNS (IRELAND)—
ALPHABETICAL INDEX.—QUESTION.

MR. HEYGATE asked the Secretary to the Treasury, Whether there exists any statutory obligation for the printing and publishing of the bulky volume, headed "Alphabetical Index of Townlands and Towns of Ireland," in connection with the Census of 1871, price 8s. 6d., lately issued to Members; and, if not, whether the Treasury considers that the expense incurred by such publication, six years after the last Census, is justified by its general interest either for Parliament or the public?

MR. W. H. SMITH: There is no statutory obligation of publishing an alphabetical index of townships and towns in Ireland. The information is, I am informed, necessary for some public Departments in Ireland, and, therefore, it was represented that it should be in existence; but I agree that it is not expedient that so bulky a volume should be presented and distributed as a Parliamentary Paper, and I may state that it shall not again occur.

RUSSIA AND TURKEY—LORD DERBY'S
DESPATCH OF THE 6TH OF MAY.

QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, with reference to the European Nations referred to in the Despatch of the Earl of Derby of the

6th of May, Whether any one of such Nations, and, if any, which, has expressed concurrence in the policy announced in that Despatch, restricting the operations of Russia in the present contest; and, whether any European Nation or Power, other than and except that of the Papacy, has expressed disapproval of the action of Russia against Turkey?

THE CHANCELLOR OF THE EXCHEQUER: I can only say that I do not think it would be convenient to answer the Question.

NAVY—THE NEW NAVAL COLLEGE—
THE SITE.—QUESTIONS.

MR. EDWARDS asked the Secretary to the Admiralty, Whether there is any truth in the report that the Admiralty have decided to erect a Naval College at Dartmouth, and that the Grant to be asked for in the Naval Estimates is to be taken for that purpose?

MR. A. F. EGERTON, in reply, said, the Admiralty had come to the conclusion that Dartmouth was the best site for the proposed Naval College. He was, however, in communication with his right hon. Friend the First Lord of the Admiralty, from whom he expected an answer immediately, as to whether the Vote for it should be proposed this Session, and if the hon. Gentleman would repeat his Question on Monday, he would probably be able to inform the hon. Gentleman of the final decision of the Admiralty on the subject.

MR. BAILLIE COCHRANE asked the hon. Gentleman, Whether a distinct pledge had not on three different occasions been given by the First Lord of the Admiralty, that no decision would be come to on the subject until an opportunity for full discussion with respect to it had been afforded the House?

MR. A. F. EGERTON said, he was not aware what were the exact words which had been used by the First Lord of the Admiralty; but, on referring to the Reports of the debates, he was unable to find anything implying an absolute promise on the part of his right hon. Friend on the subject. So far as he himself was concerned, what he had said on one occasion, in reply to a Question which had been put to him, was that he would assent to the postponement of the Vote for the site for a Naval College, in order that there might be an opportunity of having the matter fully discussed.

the House. Well, that being so, it was still open to the House to discuss the question when the Vote came on; but the Admiralty were bound to arrive at a decision in the matter before submitting the Vote.

MR. BAILLIE COCHRANE asked, Whether the hon. Gentleman thought having a discussion on the question before a Vote was taken was the same thing as having a discussion when the Vote was brought before the House?

MR. A. F. EGERTON could only repeat that he thought the Admiralty itself was bound to come to a decision before it made any proposal at all.

PUBLIC HEALTH (METROPOLIS) BILL. QUESTION.

MR. J. HOLMS asked the President of the Local Government Board, If he will cause a memorandum to be prepared for the information of the House showing the general effect of the Public Health (Metropolis) Bill on the existing Law, and specially indicating what clauses are taken from Acts now in force outside the Metropolis and what clauses are taken from the Acts now in force in the Metropolis; and further explaining what controlling power and authority now vested in the Secretary of State for the Home Department or Privy Council is proposed to be transferred to the President of the Local Government Board; and what powers hitherto possessed by the local authorities are proposed to be modified under the provisions of the Bill?

MR. SCLATER-BOOTH: I may inform the hon. Member that I have already given directions for a Memorandum to be prepared showing the clauses which are taken from the Acts now in force in the Metropolis, whether with or without alteration, those which are from Acts not so in force, and those which are new. Much of this information is already given in the marginal notes of the Bill. But when he asks me to state what power now vested in the Secretary of State or Privy Council is proposed to be transferred to myself, I must reply that the Bill does not propose to transfer any such power; because all the powers of the Secretary of State and of the Privy Council under the Acts consolidated by the Bill were so transferred by the Local Government Board Act, 1871.

I am surprised that there should be any misunderstanding on this point; because it was only in January last that, in the exercise of the powers so transferred, I caused a circular letter to be addressed to the Vestries and District Boards of the Metropolis, on the subject of providing hospital accommodation under one of the Acts now proposed to be consolidated, and no exception was taken by them in reply to the authority under which I so addressed them. There is substantially no modification of the powers now vested in the local authorities. On the contrary, some fresh powers are given to them by the Bill. The only new powers proposed to be conferred on the Local Government Board are with respect to the provision of mortuaries and the approval of voluntary arrangements between two or more authorities for providing joint hospital accommodation.

NAVY — DOCKYARD ENGINEERS AT MALTA.—QUESTION.

MR. J. COWEN asked the Secretary to the Admiralty, If a Petition has been received from the Engineers in the Dockyard at Malta, asking that the hours they work, in consequence of the heat of the climate, should be reduced from ten to nine hours per day; if nine hours is not the length for a day's work for Engineers in the Dockyards of this Country; and if he could state whether the demand of the Malta Engineers will be complied with?

MR. A. F. EGERTON, in reply, said, it was true that the Petition referred to by the hon. Member had been received. It was also true that nine hours was the length of a day's work for engineers in the home dockyards. It had been decided to offer the Malta engineers a reduction in the hours of work coupled with a corresponding reduction of pay. This was the course adopted in the case of the home dockyards.

SUCCESSIONS DUTY ACT — DOUBLE DUTIES—"THE ATTORNEY GENERAL v. CHARLTON."—QUESTION.

SIR COLMAN O'LOGHLEN asked Mr. Attorney General, If his attention has been called to the decision of the Court of Appeal on Saturday last in the case of "The Attorney General v. Charlton and others," as to Succession

Duty, in which the Court stated, that, but for certain decisions of the House of Lords on the Succession Duty Act, they would have held that the lower and not the higher duties, as claimed by the Crown, were payable by the defendants, and, consequently, would have given judgment against the Attorney General in the case before the Court; if it be the fact, that the Lord Chief Justice of England, in giving judgment in that case, stated that the decisions of the House of Lords relied upon by the Crown, were "clearly wrong, and proceeded on technical grounds contrary to the real meaning of and the spirit of the Act;" and that the House of Lords in these decisions had fallen into "a great and fatal error," and "had misconstrued the Act;" and, whether, having regard to the judgment of the Lord Chief Justice, and the judgments of Lord Justice James, Lord Justice Bramwell, and Lord Justice Brett, concurring with him, it is his intention to introduce at once a Bill to declare the Law, so as to overrule the decisions of the House of Lords, referred to by the Court of Appeal, which compelled that Court to decide in favour of the Crown, against their own unanimous opinion, in a matter of taxation affecting Her Majesty's subjects?

THE ATTORNEY GENERAL: This case of "the Attorney General v. Charlton" was one of a very complicated and perplexing character. It was, by desire of the Courts, argued five times—three times before the Exchequer Division and twice before the Court of Appeal. I was one of the counsel for the Crown, and my attention was therefore called to the judgment pronounced by the Court of Appeal on Saturday last. The Lord Chief Justice, in the course of his judgment, did make some such observations as those alluded to in my right hon. and learned Friend's Question with reference to the decisions of the House of Lords, and all the learned Judges stated, I believe, that they felt themselves constrained to pronounce the judgment which they gave by the authority of those decisions; but I do not think it at all clear that if the Court of Appeal had not felt obliged to follow the judgment of the House of Lords, they would have decided that the Crown was entitled to a lower duty than the duty claimed. It is quite possible that the Court might have come to the conclusion that the case fell within

Section 4 of the Successions Duty Act, and that double duties were payable as under the Legacy Acts. It will be open to the appellant to carry this case to the House of Lords; and until I know whether this course is to be adopted, I cannot decide whether it will be desirable to introduce any Bill on the subject.

PUBLIC BUSINESS—SCOTCH BILLS.

QUESTION.

DR. CAMERON (for Mr. W. HOLMS) asked Mr. Chancellor of the Exchequer, What course he proposes to take with reference to the four General Public Bills for Scotland which have been introduced this Session, but not one of which has yet been discussed in Committee, viz., the Poor Law, Prisons, Sheriff Courts, and Roads and Bridges Bills; and, seeing that the last-named Bill was specially mentioned in Her Majesty's Speech as a measure of importance, what day he would give for its consideration?

THE CHANCELLOR OF THE EXCHEQUER: The Government are very anxious to proceed with some at least of these Bills, and I can only say that we are anxious to find early days for proceeding with them. But the hon. Gentleman and the House are well aware we are in a difficulty at present because of the strong expression of opinion which was passed by the House that we ought to proceed with the Estimates as quickly as we can. There are also, as I mentioned the other day, two important measures—the East Indian Loan Bill, and the South African Confederation Bill—which it is desirable to proceed with. I will only say, therefore, that we will bring the Bills on as quickly as we can. To the remark of the hon. Member who put the Question, that not one of the Scotch Bills has been discussed in Committee, I must take some exception; because, although the Prisons Bill has not literally been discussed in Committee, an arrangement was made that it should stand over till the English Bill had been discussed, and that it should be reprinted in the form of the English Bill. That has been done, and therefore I suppose the discussion of the Scotch Bill will not occupy much time. The Roads and Bridges Bill has been committed *pro forma* in order to introduce various Amendments. It will probably

Sir Colman O'Loghlen

be distributed to hon. Members shortly. We shall proceed with that Bill as quickly as possible, and with the others also.

ARMY—TERRITORIAL TITLES TO REGIMENTS.—QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, If he will state to the House whether Her Majesty's Government intend to carry into effect the recommendation of the Militia Committee which sat last year with respect to giving territorial titles to the regiments of the Army, and depriving them of their numerical titles?

MR. GATHORNE HARDY, in reply, said, it was not the intention to deprive the regiments of their numerical titles; but to arrange them on the footing proposed by the Commander-in-Chief in 1873.

FISHERIES (OYSTERS, CRABS, AND LOBSTERS) BILL.—QUESTION.

MR. DILLWYN asked the President of the Board of Trade, Whether he is aware that the 12th section of the Fisheries (Oysters, Crabs, and Lobsters) Bill re-enacts, as regards France, an Act of Parliament which has been repealed and was left out of the revised edition of the statutes?

MR. E. STANHOPE: Yes, Sir, my right hon. Friend is aware of the fact referred to in the Question. And the reason is this—The Fishery Convention of 1839 between England and France was intended to remain in force until the later Convention of 1867 between the same countries came into operation. Unfortunately, difficulties have arisen, and that Convention is not yet in force. In these circumstances, it is proposed that the Act of 1843 which confirmed the first Convention, and which was repealed in 1868, should be temporarily revived until the day when the later Convention actually comes into operation.

LAW AND JUSTICE (SCOTLAND)—ROMAN CATHOLICS.—QUESTION.

MR. ANDERSON asked the Lord Advocate, If there has recently been an investigation into certain charges of unfair treatment of Roman Catholics in judicial proceedings at Irvine in Ayrshire; and, if he will state the result of

the investigation, or lay upon the Table any Papers connected with it?

THE LORD ADVOCATE: In Irvine there are a considerable number of Catholics and Orangemen among the working classes, and I regret to say that some time ago these parties gave each other considerable annoyance, and their differences occasionally led to breaches of the peace. In a recent case the offenders were prosecuted at the instance of the police authorities before the magistrates of the borough of Irvine. Complaint was made to me that a certain amount of unfairness had been shown by those magistrates in awarding unduly lenient sentences to the Orangemen tried before them. I considered it to be my duty to instruct the Procurator Fiscal of the Sheriff's Court, who is a Government official, to inquire and report to me the circumstances of these various cases in which unfairness was said to have been signally displayed. The result of the examination and investigation having been reported to me I have now to state, in answer to the hon. Member, that there seems no ground for imputing any want of fairness or any partiality to those justices in the discharge of a very difficult and delicate duty.

MR. ANDERSON: The right hon. and learned Gentleman has not answered my last Question—Will he lay the Papers upon the Table?

THE LORD ADVOCATE: I understood the Question was put alternatively. I do not think the Papers are of such a character that they ought to be laid upon the Table; but I will communicate with the hon. Member on the subject.

ARMY—MAJOR DE DOHSE.—QUESTION.

MAJOR O'GORMAN asked the Secretary of State for War, Whether it is his intention to recommend for employment in Her Majesty's Military Service, Major de Dohsé, late of the German Legion (British)?

MR. GATHORNE HARDY replied in the negative.

CRIMINAL LAW—CASE OF FRANCES ISABELLA STALLAND.—QUESTION.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, If his attention has been directed to a trial for murder which took place at the Winchester Assizes on Monday the 2nd instant, at which Frances Isabella Stalland, aged 20, was convicted of the

wilful murder of her illegitimate child, and to the report as given in the "Standard" newspaper, that the jury, after considering their verdict for forty minutes, found the prisoner Guilty, with a strong recommendation to mercy on account of her youth, her desertion by the father of the child, and the general circumstances surrounding the case; and that the judge, on passing sentence of Death, said he would forward the recommendation of the jury to the Secretary of State, but that neither he (the judge) nor the prisoner could expect that the sentence would be remitted; and, whether it is consistent with the prerogative of the Crown that the judge should say that he could not expect such recommendation of the jury would be attended to?

MR. ASSHETON CROSS: I have no official report whatever of anything that fell from the learned Judge who tried this case, nor do I at the present moment know anything about the merits of the case, because the usual report has not yet reached me. But reading the Question as it is placed on the Paper, I should say all that the learned Judge meant to convey was this—that he did not himself agree with the recommendation of the jury, and would not probably back it up to the Secretary of State. I am sure that neither the learned Judge who tried the case, nor any Judge on the Bench, would for a moment think of interfering with the Prerogative of the Crown.

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.—QUESTION.

MR. CHARLES LEWIS: I wish to ask, Whether the Government, having regard to the large amount of time which has been consumed this Session in discussing the Sale of Intoxicating Liquors on Sunday (Ireland) Bill, are prepared to take any steps in order to prevent the loss of that time?

THE CHANCELLOR OF THE EXCHEQUER: I really do not see what steps the Government can take. We have done what was in our power, in the way of affording one day which was at the command of the Government, and the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), in concert with the Government, gave another day. I am sorry that those days have not led to

any decisive results; but in the present state of Business, and considering the obligations of the Government, I do not see that I can at the present time make any other proposal with regard to the matter.

PARLIAMENT—PRIVILEGE—REFLECTIONS IN THIS HOUSE.—QUESTION.

MR. PULESTON, who had the following Notice of Motion on the Paper:—

"That in Committee of the whole House, no Member have power to move more than once either that the Chairman do report Progress or that the Chairman leave the Chair, and that no Member who has made one of those Motions have power to move the other in the same Committee,"

said: Mr. Speaker, I wish to ask the Chancellor of the Exchequer a Question of which I have given him private Notice—Whether, in view of such scenes as took place the other night, in pursuance of a system of obstruction which is now becoming a standing reproach, offensive to the dignity of the House and antagonistic to the best interests of the nation, the Government are prepared—["Order!"]

MR. CALLAN: I rise to a point of Order. I beg to ask, Mr. Speaker, Whether a Question which so palpably transgresses the Rules of the House, and which the Clerks at the Table, under your direction, will not receive, should be put on a subject affecting the privileges of Members of this House?

MR. SPEAKER: According to the ordinary practice of the House no Question can be put involving matter of argument. I think some of the phrases contained in the Question as they reached me did so contain matter of argument.

MR. PULESTON: I bow to your decision, Sir, and I will therefore only ask the Chancellor of the Exchequer, Whether he will afford such facilities as will enable me to bring forward the Motion which stands in my name, or whether Her Majesty's Government will be prepared to take similar or other means to effect the same object?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, my hon. Friend has mentioned to me, before the commencement of the Business, that he proposed to put a Question to me with reference to the Notice which stands in his name for this evening, and which, pro-

bably, will not be reached till a late hour. The Question is whether we could give him any facility for bringing that question under consideration, or whether the Government themselves have any proposals to make upon the subject. The hon. Gentleman did not state to me the reasons upon which he proposed to bring forward that Question; but, of course, it would be affectation not to see that there is some connection between this Question having been put on the Paper at the present time and the proceedings which took place in this House a few nights ago. Well, with regard to that matter I wish to say, on behalf of the Government, that we are above all things anxious to promote in any way we can the convenience and proper conduct of Business in this House; and we consider that it may from time to time be desirable and necessary, as the character of the Business that comes before this House alters, as larger numbers of Questions are brought forward, as the nature of the discussions varies—it may from time to time be necessary to revise and reconsider the Rules under which our Business is conducted. At the same time, we are very conscious that those Rules are the result of many years and generations of experience; and we therefore feel that great care and pains ought to be exercised in making alterations in them. I think it would be particularly to be regretted if any alterations were proposed or discussed under this feeling—I do not like the word which was rising to my lips—but under any feeling of annoyance with reference to a particular proceeding. I am unwilling at the present time to express any opinion upon what took place the other night. I think the judgment of this House and of the country is tolerably well formed upon that subject. I think we might only cause irritation and hinder the progress—the satisfactory progress—of Business by discussing what really needs no discussion. Therefore I would venture to express a hope that in what I am now saying I may not bring about a desultory or irregular discussion. But I would say, with reference to the Question of my hon. Friend, and to the Notice which stands in his name upon the Paper, that the Government have recently—before those transactions took place and still more since—given a great deal of attention to this subject; and we

are certainly of opinion that it may be desirable, calmly and with due consideration, to examine some portion of the Orders of the House, especially with regard to the question to which my hon. Friend refers—the question of Adjournment, or of reporting Progress, when the House is in Committee. And I may say that the particular proposal which my hon. Friend makes is one which, upon the face of it, commands our approval; and I think that, in substance at least, it would probably command the approval of a very large majority, if not of the whole, of the House, because I take it it only applies to the case of a Committee a Rule which works well in this House as a whole. At the same time, I think that, under the circumstances which I mentioned in the first instance, and bearing in mind the fact that it might be necessary, if we were altering our Rules at all, to make, perhaps, some other alterations besides this, and that it is undesirable to have frequent and desultory discussions upon such a matter—I think it would be better that we should not be in a hurry, and not attempt at present to deal with a question of this sort. My own opinion is, that the best course we could take would be to carry on our Business under the Rules which are at present in force, and to let us take time. The Government will undertake carefully to consider this matter, in consultation with yourself, Sir, and with the other authorities of the House, in order that we may be able next Session to propose a careful and well-considered revision of such parts of our Rules as may seem to require it. I may remind the House that there has been more than one Committee on Public Business, and that those Committees have made recommendations of an important character, some of which have been partly adopted, but several of which have never been adopted by the House. I think the recommendations of those Committees deserve serious consideration, and they shall receive it; and I think that, upon the whole, we should be best consulting the convenience and dignity of the House if we were at present to let this matter stand over. I trust we shall have no repetition of such scenes, upon which I do not wish to say more than I have already said; and I need not assure my hon. Friend that the convenience and dignity of this House are, and always will be,

a matter of great concern to Her Majesty's Government.

MR. WHALLEY: Sir, I wish to make a few observations in the nature of a personal explanation. The Chancellor of the Exchequer, in the observations that he has addressed to the House, has done so in carefully worded and measured terms—"Order!"

MR. SPEAKER: If the hon. Member proposes to make a personal explanation, no doubt the House will receive it with its usual indulgence; but if the hon. Member merely rises to make some remarks on the Answer which has been given by the Chancellor of the Exchequer, he will not be in Order.

MR. WHALLEY: As I understood the Chancellor of the Exchequer, he imputed to those who took part in the proceedings of the other night—"Order!" If I am to be interrupted in this way I really do not know how to make my explanation; but I must endeavour by some means to protect myself, and I do not know how I can do it better than by moving the Adjournment of the House. After having sat for a quarter of a century in this House, I cannot submit to the imputations of the Chancellor of the Exchequer; and though conveyed in such measured terms they raise considerations most unjust and most unfair towards me, on which I claim on personal grounds to offer some reply. It is the more important that I should do so, because the Chancellor of the Exchequer says that he will not proceed to act on the Motion of the hon. Member for Devonport (Mr. Puleston), relative to the privilege of moving to report Progress, or that the Chairman do leave the Chair. ["Order!"]

MR. SPEAKER: The hon. Member having proposed to make a personal explanation is not entitled, as I have already said, to comment on the Answer of the Chancellor of the Exchequer.

MR. WHALLEY: The observations of the Chancellor of the Exchequer were wholly uncalled for. ["Order!"]

MR. SPEAKER: The hon. Member is out of Order in the course he is pursuing; and if he disregards the ruling of the Chair I shall have to submit his conduct to the judgment of the House.

MR. WHALLEY: I must make one more attempt, and after that I will acquiesce in what may be the desire of the House. I say that I cannot continue to discharge my duty in this House

under the rebuke which has been directly or indirectly cast upon me.

THE CHANCELLOR OF THE EXCHEQUER: I rise to Order. It is only by the indulgence of the House that hon. Members are entitled to make personal explanations, and it is an indulgence that is never refused. I think that the hon. Member for Peterborough, in proceeding to make some remarks on the Answer I recently gave to the House, is entirely exceeding the privilege of Parliament, and can scarcely be considered as acting respectfully to you, Sir, after the observations you have made, in persisting in proceeding in the way he is doing.

MR. WHALLEY: My reason for proceeding is that the observations of the Chancellor of the Exchequer assume that those who took part in the recent proceedings of this House are justly exposed to the censure and indignation of this House and the country. The Government, in the part which they took, and the right hon. Gentleman still more so, I venture to say, in the course which he has taken, are justly exposed to greater complaint on the part of those hon. Members than—"Order!"

SIR JAMES M'GAREL-HOGG: I rise to Order. Is not the hon. Member for Peterborough acting exactly contrary, Mr. Speaker, to your orders?

MR. SPEAKER: The hon. Member is altogether disregarding the injunctions that have fallen from the Chair, and unless the House thinks that I should act otherwise, seeing that we are now engaged upon the Questions before the House, and that the hon. Member by his conduct interrupts the Business of the House, I shall, with the concurrence of the House, call on such hon. Members who are desirous of putting Questions in the ordinary course of Business to do so; and I call on the hon. Member for Peterborough to resume his seat.

PARLIAMENT—PRIVILEGE—PRACTICE OF THIS HOUSE.—QUESTION.

MR. E. JENKINS: Sir, I wish to direct attention to the Motion of the hon. Member (Mr. Blake), and to ask you, Mr. Speaker, Whether, as the terms of the Motion contain imputations upon the conduct of an hon. Member, and would involve serious consequences, inasmuch as if the House concurred it would involve a direct Vote of Censure, and as the appearance of the Motion day

after day upon the Notice Paper could not but be painful to the feelings of the hon. Member concerned, and also having regard to certain precedents which, however, it would be unnecessary to cite, whether this is not a Motion of that character, which, as a matter of Privilege, ought to take precedence of the other Orders of the Day?

MR. SPEAKER: The hon. Member asks whether the Question of which the hon. Member for Leominster (Mr. Blake) has given Notice is of such a character that it ought to be dealt with as a question of Privilege. The House is aware that, according to the general practice of the House, no question of this character is dealt with as a matter of Privilege unless it is urgent in point of time, and directly affects the Privileges of this House or of Members of this House. The Notice of the hon. Member for Leominster challenges two statements alleged to have been made by the hon. Member for Meath (Mr. Parnell), one on the 21st of April, and the other on the 20th of June last. It appears to me that this Question, having regard to the question of time, cannot be regarded as a question of Privilege, because it is not urgent in point of time; but if the House should think fit to entertain the Motion at once as a matter of Privilege, the subject is one which would warrant that course.

MR. BLAKE: I wish to ask you, Sir, if it is competent for the Motion which stands in my name to be then discussed with the consent of the House? It is true that some time has elapsed since the speeches referred to were made, but they are still in circulation in the newspapers. I think it is a matter that should be considered by Parliament as early as possible.

MR. PARNELL: I rise to Order, Mr. Speaker. Perhaps I may be allowed to say that if it is thought desirable by the House that I should make an explanation in reference to either of the speeches referred to, I do not wish in any way to stand in the way of the House in getting that explanation.

MR. SPEAKER: I must inform the hon. Member that it is irregular to discuss the Motion of the hon. Member for Leominster unless the House should have previously signified its pleasure that it should be discussed as a question of Privilege.

MR. BLAKE: I wish to move that the matter be now considered as a question of Privilege.

MR. NEWDEGATE: I ask the hon. Member whether he thinks in his own mind that it can be brought forward and treated as a matter of Privilege?

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £132,000, Army Reserve Force Pay and Allowances.

COLONEL MURE called the attention of the Secretary of State for War to the fact that in those branches of the Service in which the longest time was required to make a soldier the Reserves were weakest. In the Artillery, for instance, there were almost no reserves at all; so, also, in the Cavalry; while a large portion of the Infantry were not of an age fit for service abroad. He knew a regiment about 900 strong, in which there were 500 young fellows, a vast number of whom were not more than 17 or 18 years of age, so that if it became necessary to send that regiment abroad it would be found that at least 25 per cent of the men were in consequence of their youth unfit for foreign service. The same state of things would recur which happened during the Crimean War, when, as Lord Raglan said, vast numbers of young men were sent out to fill our ranks, who died off like flies. He hoped the matter would be carefully and honestly looked into. He admitted that the class of recruits had improved physically, educationally, and morally. They were a fine class of young men, but they were not fit to go into arduous foreign service.

MR. WHALLEY said, that to non-military men this question of Reserves was one of the great questions of the day. The schemes of Lord Cardwell had ended in disappointment, as he at the time the Bill for the Abolition of Purchase was before the House prophesied would be the case. The hon. Member was proceeding to refer to the Volunteer Force, the Vote for which had been the subject of discussion on a former occasion, when—

THE CHAIRMAN said, the hon. Gentleman was not in Order in alluding to

a question which was not within the scope of the present Vote.

MR. WHALLEY next referred to the official Report recently made to the War Office respecting the Volunteers at the Easter Review.

THE CHAIRMAN ruled that the hon. Member was not in Order.

MR. WHALLEY said, he was speaking about the Reserves, by which he meant that military force that the country had at its command in case of emergency—namely, the Volunteers. ["Order!"]

THE CHAIRMAN pointed out that the Vote before the Committee was not for the Auxiliary and Reserve Forces, but for the Army Reserve Force.

MR. WHALLEY presumed he might ask the Secretary of State for War what steps he proposed to take in compliance with the official Report already alluded to in order to render the Reserve Forces more efficient?

SIR WALTER B. BARTELOT rose to Order, asking whether the hon. Member was not now for the third time pursuing a discussion which the Chairman had ruled was outside the Question before the Committee, and whether the Committee would not empower the Chairman to put the Vote notwithstanding that the hon. Member was on his legs?

THE CHAIRMAN said, there was no doubt the hon. Member's remarks were still outside the Question; but he felt sure that after the intimation which had been given the hon. Member would not persist in that course.

MR. WHALLEY remarked that he was extremely obliged to the Chairman for his courtesy, and could assure the Committee that he did him no more than justice in assuming that he had no desire to travel beyond the limits of the Question. He really felt totally unable, however, to discharge according to his conscience the duty that was required of him in the exigency of the case if he was not allowed to make these references in connection with the Reserve.

MR. J. HOLMS did think the Committee and the country were entitled to know clearly and specifically the expectations of the War Office as to the bringing up of the Reserve Forces. According to the Vote, the number would be 15,000 a-year.

MR. GATHORNE HARDY said, he was afraid the hon. and gallant Mem-

ber (Colonel Mure) and the hon. Member (Mr. J. Holms) were not in the House when, on a former occasion, he went into the subjects to which they had referred. It was fully expected at the War Office that more men would be passed into the Reserves than had been anticipated. It was a matter of necessity that the regiments mentioned by the hon. and gallant Gentleman should be pretty full of recruits; but it was certainly not intended to send young inexperienced men abroad. Only fit men would be sent out. He had entered fully into that question on a previous evening. As to men going into the Reserves, he was not able to force them to enter at the desired age. There were between 60,000 and 80,000 who were engaged to enter in their turn; he could not compel them to enter; but he was endeavouring, through the commanding officers, to induce men to join the Reserves earlier than they would otherwise do.

Vote agreed to.

(2.) £374,800, Commissariat, Transport, and Ordnance Store Establishments.

In reply to Mr. GOURLEY,

MR. GATHORNE HARDY said, there was nothing extraordinary in the item for the cost of watching the dockyards and various establishments—a duty which was undertaken by the Metropolitan Police, but of course had to be paid for by the Government.

SIR ANDREW LUSK, referring to the item of £4,940 for police employed under the Contagious Diseases Prevention Act, asked how many policemen were so employed?

MR. GATHORNE HARDY could not give the number at that moment, but said they were employed at all the places—and there were a good many—where the Act was enforced, and they were necessarily picked men.

Vote agreed to.

(3.) £2,986,000, Provisions, Forage, Fuel, Transport, and other Services.

CAPTAIN O'BEIRNE complained of certain charges which unduly fell upon the Cavalry officers with respect to forage, and he suggested that a more liberal allowance should be made to them in reference to their horses.

The Chairman

GENERAL SHUTE was certain the great mass of the Cavalry officers preferred to be on the present footing. If their horses were provided by the country they would only get one each, but under the present arrangement, paying 8½d. a-day for forage, and getting good stable accommodation for their chargers, they usually kept three or four, and this was at once an advantage to themselves and to the country—to themselves, because it enabled them to hunt, giving them an “eye to country,” and improving their horsemanship, both qualifications so necessary to Cavalry officers; but if they had only one each, and that a Government horse, they would not be allowed to hunt, and would not be granted stable room or forage for more—to the country, because each Cavalry officer had now two or three broken chargers ready on shortest notice for field service. Cavalry officers had a grievance, however, when it was considered that the Horse Artillery officers paid only 6d. a-day for forage, whilst they were charged 8½d. The mounted officers of Infantry, also, had a grievance in connection with the allowance they received in lieu of forage, for they were actually out of pocket. He hoped these matters would be considered by the War Office.

MR. MELLOR called attention to the difference between the charges made by the Railway Companies for civilians and for soldiers—the difference being something like 33 per cent against the soldier—a state of things which he thought required to be remedied as speedily as possible, as the result would greatly reduce the cost of the Transport Service.

MR. GATHORNE HARDY said, he felt with the hon. Member that the War Department was rather hardly used by the Railway Companies with respect to these charges. The terms for soldiers were fixed at an early period; since then the charges for third-class Parliamentary passengers had been reduced, while the same advantage had not been extended to soldiers, who therefore paid more than Parliamentary passengers—which he thought was a great hardship. The Select Committee which sat on the subject of the Railway Passenger Duty called attention to this distinction in favour of the War Department, but did not make any recommendation, thinking

it rather outside the question which had been referred to them. He confessed he thought that considering what the State got from the railways they should also have looked to what the railways got from the State. With regard to the question of forage, the War Office had considered some suggestions on the subject, and the proposal he favourably entertained was that the forage allowance should be fixed, not at a precise sum, but according to locality and the price of forage in the place. He proposed, by next year, to make some additional allowance for the “first stall” in the stable, because officers lost 6d. if they took only one stall. At the same time, he could not promise to make the change which had been recommended with respect to Artillery officers, although they in every way deserved the consideration of the War Office. The present Vote could not be altered to meet the object in view.

Vote agreed to.

(4.) £805,600, Clothing Establishments, Services and Supplies.

GENERAL SIR GEORGE BALFOUR expressed a hope that the Committee would be made acquainted with the amount of stores now actually available. A Supplementary Estimate for £200,000 had been voted by the House, in order to lay in a spare stock of woollens in readiness for any unusual demands. He had fully approved of this prudent precaution; but it was only fair that the House should have the means of knowing that this extra stock had been laid in, and was year by year maintained, and not used to make a diminution of the Army expenditure in some future year.

COLONEL MURE asked what was the nature of the new helmets for the Infantry?

MR. GATHORNE HARDY said, he could not state precisely, but they might be described as blue helmets with brass band and brass spike.

Vote agreed to.

(5.) £1,120,000, Supply, Manufacture, and Repair of Warlike and other Stores.

SIR WALTER B. BARTTELOT wished to know from his noble Friend the Surveyor General of the Ordnance, what number of Martini-Henry rifles were in stock, and whether it was in-

tended to arm all the Reserve Forces at once, as well as the Militia, with that rifle?

LORD EUSTACE CECIL, in reply, said, the total number of breechloading arms in store was 856,578, of which 377,558 were Martini-Henry, and 169,000 Snider rifles; and there were 310,000 Snider rifles in the hands of the Reserve Forces. It was intended to arm the Cavalry with the Martini-Henry carbine, but at present the pattern of the lock had not been decided upon. The whole Reserve would in time be armed with the Martini-Henry rifle. The carbines now in the hands of the Cavalry would, when the new carbines were ready, be distributed to the Yeomanry Cavalry.

SIR HENRY HAVELOCK would move that the item for the Martini-Henry carbine be struck out, unless he received an assurance that in point of range it would be equal to the rifles carried by the Infantry.

LORD EUSTACE CECIL replied that the Martini-Henry carbine would not come into use this year at all. The question with regard to the lock had not yet been settled.

SIR HENRY HAVELOCK said, the question he wanted to raise had no reference to the lock, but to the length of range. What he desired was that the carbine should be in all respects a long-range arm.

MR. GATHORNE HARDY assured the hon. and gallant Gentleman that the pattern of the Martini-Henry carbine had not yet been submitted to him. There was no Vote for it taken in the present Estimates, and in assenting to the Vote before them the Committee would in no way be bound to the adoption of that particular weapon in the future. He might add that he was quite as convinced as the hon. and gallant Gentleman of the importance of a long-range.

GENERAL SHUTE said, that so far as he could judge, Cavalry officers were quite satisfied with the carbine which it was proposed to give them, though it might not be of the full range of the Infantry. Its range was 1,000 yards, which was sufficient for nearly every practical purpose, and longer range would not compensate for the great inconvenience of having to carry a longer rifle on horseback. But the Lancers

ought to have a good rifle given to them, which would be a far more useful weapon than the lance.

GENERAL SIR GEORGE BALFOUR said, that the Army Estimates were swelled year by year by reason of the excessive demands made by the Navy for guns and ammunition and carriages. By what accident was it that £80,000 was included in the Naval Estimates as a sum to be given to the Navy for torpedoes? If the Navy required them, the Secretary of State should have laid in a stock. Charges of the same kind should not appear in different Estimates, and yet the charges in the Army Estimates for torpedoes were large in amount. The mistake was made in extending the liability of the War Office to supply the Navy with torpedoes, in addition to guns and ammunition. This new weapon of war should have been a special charge on the Navy and included in the Estimates of the Admiralty. The War Office would have continued the manufacture or purchase of these weapons if the Admiralty desired, but only as agents, and not with any degree of responsibility. The best plan would be to let the Admiralty manage for all material.

MR. GATHORNE HARDY said, that the Treasury practically regulated the mode in which the accounts were presented, and this item had had the assent of the Treasury. Representatives of the Admiralty witnessed the experiments at Spezia, and the Department thought it expedient to procure a supply of torpedoes from Italy instead of manufacturing them at Woolwich. The War Department would be glad to relieve their Estimates of these large sums.

CAPTAIN O'BEIRNE thought that to keep Cavalry waiting for orders while under long-range Infantry fire would have a demoralizing effect on them. He agreed with the opinion which had been expressed that the lance should be abolished.

MR. GOURLEY wished to know whether the torpedoes charged for were for the Navy or the Army Service, and as to the number of boats for transport.

LORD EUSTACE CECIL said, that the torpedoes were of a new kind, but it was not necessary to explain them. The boats were required for transporting stores; one had to be built to convey the 80-ton gun. He did not, however, know their number.

Sir Walter B. Barttelot.

MR. GOURLEY suggested that vessels should be borrowed from the Navy Department.

GENERAL SIR GEORGE BALFOUR thought that the War Office should have nothing to do with the ships of the Admiralty. That Board would charge more than anybody else, and supply the condemned and useless vessels of the Navy as quite good enough for the soldiers. The vessels sent out during the war with China would neither sink, sail, nor swim.

Vote agreed to.

(6.) £828,700, Superintending Establishment of and Expenditure for Works, Buildings, and Repairs at Home and Abroad.

MR. J. R. YORKE said, he wished to ask one or two questions respecting the site of the Knightsbridge Barracks and the conditions on which it was proposed to re-erect them. It had always been understood that the ground occupied by the barracks was to be used for buildings. The road was to be widened, and then the architect would have to face the problem of erecting a proper barracks on an insufficient site. He could not think the present state of things satisfactory, and he had not approved the scheme from the outset; but he now acquiesced in it, thinking it better to spend £120,000 on new barracks than to waste £100,000 in vainly ornamenting the old building.

MR. GATHORNE HARDY replied that the architect had fully considered the widening of the road, and had made his plans accordingly. The shifting of the officers' quarters had become necessary. The riding school was to be brought to the men's quarters, which would be an improvement on the plan originally contemplated, and the officers' quarters would be shifted upwards; but would not be placed at the extreme west end of the barracks, where a lofty building would intercept the view from the houses in the Knightsbridge Road. As the Guards would still have in front of the barracks the ordinary green sward in which they had been accustomed to exercise, they did not require a large court-yard.

Vote agreed to.

(7.) £154,400, Establishments for Military Education, *agreed to.*

(8.) £31,000, Miscellaneous Effective Services.

MR. HAYTER said, that a new military *attaché* was appointed. Would the right hon. Gentleman inform him where he was to be sent?

MR. GATHORNE HARDY: To Constantinople.

Vote agreed to.

(9.) £249,100, Administration of the Army.

GENERAL SIR GEORGE BALFOUR complained of the obscure manner in which the military accounts were kept, so that it was impossible to ascertain what the expenses of the Indian Army were as compared with that at home. For the first time they had large sums deducted from the Estimates of the Home Army, because India employed officers and men belonging to that Home Army; but there was no information supplied to the House of Commons as to the numbers and grades so employed, excepting as regarded the regimental strengths. No doubt those numbers could be furnished; and as the details of the entire charge of £1,000,000, which the Estimates stated would be paid by India, could be supplied, he hoped that the Secretary of State for War would in future furnish the information, not only for the present year, but for previous as well as for future years as they come on. This charge of £1,000,000 was indeed heavy, considering that the pay of the regimental men and officers was borne by the Indian Estimates and not shown in the Home Estimates.

SIR PATRICK O'BRIEN called attention to the establishment of a Staff College and a Staff Corps some 10 or 12 years ago, and he wished to know if the right hon. Gentleman would consent to a continuance of the Returns he had obtained for the last five years, showing the appointments made and the names of the officers appointed?

MR. GATHORNE HARDY said, he had no objection whatever to the Returns being continued.

Vote agreed to.

(10.) £33,500, Rewards for Distinguished Services, *agreed to.*

(11.) £53,600, Pay of General Officers.

SIR PATRICK O'BRIEN said, he considered they were entitled on this

Vote to raise questions relating to the mode in which the military administration of India and the Home Government was carried on. They were entitled to raise the question as to how officers were appointed to the Staff in India, and how the influence of the Commander-in-Chief had been able to carry out certain military changes.

MR. GATHORNE HARDY thought the observations of the hon. Baronet were not relevant to the question before the Committee.

THE CHAIRMAN ruled that the hon. Baronet was not in Order.

Vote agreed to.

(12.) £420,200, Full Pay of Reduced and Retired Officers and Half Pay.

In reply to Mr. CHILDERS,

MR. GATHORNE HARDY said, he hoped to be able before the end of the Session to bring forward the subject of the Royal Warrant with reference to retirement in the Army. He was not aware that any changes in it would render it necessary to propose a Vote. But if it were necessary, it would be brought forward independently of these Estimates. He would in that case make a statement on the subject, with the view of eliciting the opinion of the House; but he could not submit the Royal Warrant to the consideration of Parliament, because that would be an interference with the Royal Prerogative.

SIR GEORGE CAMPBELL observed that they had received a very clear statement of the conditions on which officers of the Navy were retired, and he hoped the right hon. Gentleman would be able to tell them with equal clearness on what conditions the officers of the Army were to retire. Were they liable after retirement to be called out for public service?

MR. GATHORNE HARDY said, the question of the liability of officers who had retired on full pay was a question of law. The officers of the Navy, on retirement, had always been informed that they were liable to be called upon; but the officers of the Army had not been so informed, and, therefore, he could not at once answer the question of the hon. Baronet as to their exact liability, which, he repeated, was a question of law.

Sir Patrick O'Brien

SIR WALTER B. BARTTELOT was anxious to know, not whether his right hon. Friend hoped to be able to bring forward a retirement scheme, but whether he positively intended to do so?

MR. GATHORNE HARDY thought his hon. and gallant Friend was a little too exacting. It was not in his power to say absolutely whether he could do so or not. He was obliged to have the assent of two parties, and if he did not get their assent he could not bring it forward. If he could find time, it was his full intention to do so; and it was the intention of the Government to give the opportunity, if he could get the Warrant.

SIR GEORGE CAMPBELL said, he would support a liberal allowance for retiring officers provided they were ready to serve with the Auxiliary Forces; but he would oppose a large allowance if the officers would not remain available for the service of the country.

MR. WHALLEY called attention to the inadequacy of the pay of the skilled officers, and especially of medical men attached to the Militia and Reserve Forces. He suggested the employment of retired officers to promote the efficiency of the Volunteer Forces.

SIR PATRICK O'BRIEN warmly supported the suggestion of the hon. Member as well deserving the consideration of the Government, especially after the Report of General Stephenson that the Volunteers were inefficiently officered. He also urged that time would be saved if these Estimates as affecting India were settled by a joint Committee of the War Office and the India Office, so as to enable one Minister to give satisfactory explanations in Committee of Supply.

MR. GATHORNE HARDY said, the question of utilizing retired officers had been raised by the recent Commission on Retirement and Promotion, and it would not be lost sight of. Indeed, the suggestion had been acted upon in officering the Reserves and the Militia; but it was more difficult to adopt it in the case of the Volunteers, with their local associations and their desire to select their own officers. Still, many retired officers had accepted commands and commissions in the Volunteer Forces.

SIR GEORGE CAMPBELL asked for some assurance that something would be done towards making officers

who retired under the Retirement Scheme liable for service if called upon.

MR. GATHORNE HARDY said, that perhaps in a fortnight he would be able to give a better answer. With regard to the past, if officers were not at present liable, he could not make them liable; but the question as to the conditions of retirement in the future was different.

Vote agreed to.

(13.) £123,500, Widows' Pensions, &c.

(14.) £16,700, Pensions for Wounds.

(15.) £35,000, Chelsea and Kilmainham Hospitals (In-Pensions).

(16.) £1,005,200, Out-Pensions.

(17.) £165,000, Superannuation Allowances.

(18.) £42,100, Militia, Yeomanry Cavalry, and Volunteer Corps, Non-Effective Services.

In reply to Mr. WHALLEY,

MR. GATHORNE HARDY stated that it was hoped what might be saved in expenditure upon small and inefficient regiments of Yeomanry would, when expended upon larger and more efficient ones, be productive of great benefit to the latter. This proposal was in accordance with the recommendation contained in the Report of the Yeomanry Committee.

Vote agreed to.

(19.) £1,000,000, Regular Forces in India.

(20.) £400,000, to complete the sum for Army Purchase Commission.

Resolutions [2nd July] and Resolutions of this day to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*, at Two of the clock.

EAST INDIA LOAN BILL—[BILL 215.]
(Mr. Raikes, Lord George Hamilton, Mr. Chancellor of the Exchequer.)

SECOND READING.

Order for Second Reading read.

MR. FAWCETT said, the Bill contemplated two entirely distinct objects. First, it empowered the Government of India to raise £2,500,000 by the issue

of bills for a limited period, to serve as a fund which would make it unnecessary for the Government at unfavourable times to go into the Money Market. The second object was that £2,500,000 should be raised in this country to meet a deficit in the present year's revenue, and that that sum should be added to the permanent debt of India. Confining his attention for the moment to the power given by the Bill to raise £2,500,000 simply for the purpose of giving the Government the command of a balance which would enable them at particular periods to go into the market or not as they thought fit, he wished to observe that that was a proposal which had been recommended to the House on the plea that it had had the support of Mr. Bagehot. Now, he had read every word, he believed, which had been written by Mr. Bagehot, and, having had the privilege of enjoying his most intimate friendship, had discussed over and over again with him the subject of Indian finance; and he ventured to say that if his works were searched from beginning to end, not a single argument would be found in them to support the proposal now before the House. For years Mr. Bagehot had been the distinguished editor and chief contributor to one of the leading financial journals, not only in this country, but in Europe; and immediately after the Under Secretary of State for India had stated that he based his proposal on his authority, *The Economist* said that there was a most material difference between that proposal and what Mr. Bagehot had always recommended. Mr. Bagehot's advice was that if it was necessary for the Indian Government again to come to England to borrow, they should not add to the permanent debt of India, but should obtain the money they required by the issue of a certain amount of bills or temporary securities, and then if they found that the price of silver was likely to settle down, these temporary securities could, in a year or two's time, be withdrawn. That recommendation, whether deserving support or not, was obviously distinct from the proposals of the Bill before the House. Considering the great practical importance of the subject, he hoped that between the second reading and the time for Committee there would be a sufficient inter-

val to admit of the question being fully considered by the mercantile community, who had direct dealings with India. The Government wanted to raise, in order to meet a deficit, £2,500,000 in this country, and, flying straight in the face of Mr. Bagehot's advice, they were about to add that amount to the permanent debt of India. They then hit on the novel expedient of issuing a certain amount of bills whereby they could enter the Money Market as speculators in silver; but he had been assured only the day before by a mercantile man of experience and eminence that that was a course of proceeding which involved very serious considerations, and to the full importance of which those engaged in business in connection with the East were not fully alive. It was said, however, that it was necessary the Government should have the power of which he was speaking to protect themselves against combinations of those who intended to purchase their council bonds, and who by forming a ring might compel them to sell at less than the market value. That fear of combinations, however, was, he was assured by some leading bankers and merchants, an entire delusion; but, of course, if it could be shown that the Government would have to contend against a ring of that kind, it might be necessary to arm them with power to resist it. With respect to the second part of the Bill, it was proposed, in the first place, to borrow in this country £2,500,000 to enable the Government to enter into those speculations to which he had alluded, and to increase the permanent debt by £2,500,000 more by loan from the same source. At present the revenue of India was only about £40,000,000, which was inadequate for the ordinary expenditure; but notwithstanding that fact, and notwithstanding that the present was a time of profound peace, they proposed to borrow on the whole £8,500,000, being 20 per cent of the whole revenue. It might be said that the borrowing of this large sum was necessitated by the famine. The famine charge was put down at £2,000,000, and leaving this out of consideration for the moment, he would say the Government were going this year to take authority to raise £6,500,000. If the £2,500,000 of which he had spoken was placed in the hands of the Government, what security had we that it

would not be devoted to purposes of ordinary income? He had the more reason to think this would be done, because the Under Secretary did not say a word the other day about the extraordinarily low figure to which the cash balances had been reduced. Some years ago they amounted to £24,000,000; they had now been reduced to £12,000,000, so that no less than £12,000,000 had been spent. Lord Northbrook thought that the cash balances ought at least to be £1,000,000 more than they were at present, and they ought therefore to be replenished. Three years ago, when the noble Lord came into office as the Under Secretary of State for India, he gave three distinct promises with regard to the future finance of India. At the time those promises appeared to him (Mr. Fawcett) to be distinct and satisfactory. In 1874 the noble Lord (Lord George Hamilton) said that Lord Salisbury had determined that no work should be undertaken which did not produce a fair return; that no work should be undertaken even of a reproductive character which involved the raising of capital in this country; and that every effort should be made to keep the ordinary expenditure within the ordinary revenue. He regretted that those promises had not been fulfilled. The second part of the Bill added £2,500,000 to the permanent debt. This was a policy fraught with the utmost peril. At the present moment the home charges were no less than £16,000,000, while, a few years ago, they were only between £9,000,000 and £10,000,000. He had given Notice of an Amendment—namely,

“That, in the opinion of this House, it is inexpedient to raise by loan in this Country, on the security of the revenues of India, so large a sum as is provided for by this Bill.”

If he moved this Amendment and divided upon it he should be hopelessly beaten, and the division would be misunderstood. He had therefore come to the conclusion that it would be better not to move it at the present stage of the Bill. He reserved to himself the right of proposing in Committee the reduction of the amount to be borrowed.

MR. ONSLOW said, that looking at the calamities which had recently visited India, it could not be pretended that it was in a satisfactory position. More money was required for India, and the

Mr. Fawcett

Government had to consider the best way of obtaining the necessary means of carrying on the government of that country. He could not see that there would be any greater speculation in silver as the result of the loan than existed at the present time. He thought there was a good deal of force in what had been said by the hon. Member for Hackney (Mr. Fawcett), with reference to the desirability of having a reserve fund to meet such exigencies as those of the recent famine in India; but such a fund, in the event of there not being any famines for many years to come, would amount to a very large sum, and what was to become of these reserves? We should have large sums of money lying idle. He held that the Bill would only empower the Secretary of State to do what he now had the power of doing. As for the cash balances in India and England, it seemed to him that if they only amounted to £12,000,000 at the present time, they were far too low. That a large sum of Indian money should be spent in this country was inevitable so long as our present relations with India existed; and it was therefore important that the Government of India should not be obliged to sell its drafts when the market was against it. The great danger to Indian finance was the construction of unproductive works, which, if unchecked, would probably bring about some great financial catastrophe. Unless great caution was exercised, he was afraid engineer officers with flashy schemes would continue, as heretofore, to cajole the Indian Finance Minister and the Viceroy into unremunerative undertakings. He hoped this subject would receive very careful attention, and he would even go the length of saying that the Viceroy ought not to undertake any new work which was not sanctioned by the Secretary of State in Council. If these views were carried into effect, he believed the finances of India would soon pass into a sound and prosperous state, subject only to such perturbations as famines might produce.

Mr. WHALLEY said, he hoped the Government would give an assurance to the House that no part of the money proposed to be raised under the Bill would be diverted to other purposes than those for which the House was asked to sanction the advance. England was without

a single Ally in Europe at the present time—excepting the Papacy—either in council or in action, with reference to that policy which related to “British interests” in the East—those interests, so far as we knew, being confined entirely to India. Action might be taken, and the money now asked for might be used during the ensuing Recess for some purpose we could not very well anticipate. The noble Lord at the head of the Government had played with the public interest with reference to India, making the Queen an Empress to check aggression on the part of Russia, and exciting alarm on the fictitious pretence that British interests were threatened; and he hoped that the Government would not pursue that policy by playing with the millions of money which were to be taken under this Bill. He trusted the noble Lord the Under Secretary of State for India would give an assurance that no portion of that money would be applied to carrying out the foreign policy of the Government on the Eastern Question.

Mr. C. B. DENISON observed that the hon. Member who had just spoken appeared to be labouring under a nightmare. He did not suppose it could have entered into the mind of any other person to suppose that a Money Bill whose Preamble said—“Whereas the exigencies of the public interest in India require” such and such things to be done, was going to be diverted into secretly carrying out a policy of warfare which was not avowed and openly discussed in Parliament. He (Mr. Denison) trusted the noble Lord the Under Secretary of State would not think it within his province to answer even in the negative a question which was almost an insult to the Government and the common sense of the House. This Money Bill was, no doubt, one of very great importance, and the exigencies of the service in India required that it should pass without any undue delay. He regretted the necessity which rendered it imperative on the Secretary of State for India to ask for the power which was granted under the Bill. The case was not based entirely on the necessities arising out of the famine in India. It was in vain to deny that the cash balances of India had been unduly decreased, and they must be replenished by loans. But the whole of this ques-

tion turned on the public works in India. The noble Lord had explained how it was proposed to keep the accounts so as to show what works were remunerative and what were not; but, for his own part, he had grave doubts whether in practice the plan would be at all feasible in India, where the superintending of these public works—railways and canals excepted—was all one and the same thing. Nor was he able entirely to concur with his noble Friend in what he said the other evening as to the elasticity of the revenues of India. The hon. Member for Hackney (Mr. Fawcett) had pretty nearly hit the mark when he said that the revenues of India did not exceed £40,000,000, while his noble Friend had spoken of £51,000,000. If we wanted to estimate the revenues of India, we must have regard to those sources of income which were raised from taxation, and not from the opium revenue, although that was a pretty constant quantity. With regard to the Bill before the House, he had no particular objection to offer to the mode in which the money was proposed to be raised. He failed to appreciate the objections which the hon. Member for Hackney had raised to that portion of the Bill by which it was proposed to empower the Secretary of State to raise £2,500,000 by bills of exchange. He did not think there was any danger of that power being abused. There was one omission in the Bill as compared with the Bill of 1874 which he wished to point out. The present Bill left out a very important clause, which made it imperative on the Secretary of State for India to lay before Parliament a statement of the manner in which he had exercised the powers given by this Bill. There was no doubt that it was a continuing clause, and would be equally operative whether it was repeated in the present Bill or not; but there was a distinction between the two Bills, because in the former there was no power to borrow money on bills of exchange, and the old clause would only be operative as regarded the permanent debt of India. Perhaps his noble Friend would explain whether it was intended to leave out of the purview of Parliament the money he received under the discretionary clauses of the Bill.

GENERAL SIR GEORGE BALFOUR said, he was under great apprehension

with respect to the whole question of Indian finance. It was impossible for any State in the world to go on spending more money than it received without getting into a position of grave embarrassment. Strange as it might seem to the House, it was a fact that there was no exact statement of the indebtedness of India. They had no connected account of the deficits of India. Another mistake was that the settlement of India Proprietary Stock, which was paid off in 1874, had never been clearly stated. The Government of India ought to give a clear account of their indebtedness, not only as regarded the regular registered debt, but also of all liabilities, such as the capital of the various funds, and of the temporary loans, which might be considered in the same light as the floating debt of England. So far as he could make out, the debt of India was about £144,000,000, including the present loans in England and India. From the time when Lord Dalhousie ceased to govern India more than £80,000,000 of debt had been incurred, and since 1866 the debt had gone on increasing, and they went on borrowing money, not only without any prospect of repaying it, but without the expectation of being able to cease. The expenditure on the public works in India amounted in that year to £30,000,000, and it had since increased to £50,000,000, so that the increase of debt was not solely due to investments in works, but to other causes which ought to be kept under strict control. The Indian Government had the power of controlling the public works, although they had not exercised the power to control the other kinds of expenditure, yet the Government continued to borrow money, by which means they were able to spend more than their income. There was an arrangement in this Bill providing for the raising of funds in the London market by means of temporary loans. It was a power which required great care in the application, otherwise they would come into conflict with the bankers of London, if they abused the powers asked for. He had various Amendments to move in Committee on this Bill, and he would put them on the Paper, that the noble Lord the Under Secretary of State for India and the House might be able to see them. The time had come when the India Office should deal

Mr. C. B. Denison

frankly with the House, and give every information to enable them to understand the Indian accounts.

MR. O'DONNELL (who had a Notice on the Paper to move that the Bill be read a second time that day three months) said, that he should not be justified, in a House of such slender proportions, in pressing his Motion to a division. He had desired technically to separate his Motion from that of the hon. Member for Hackney (Mr. Fawcett), who had confined himself to the purely financial consideration. Now, he did not think they would ever get at the root of the difficulties of India if they confined themselves to the multiplication table. A financial catastrophe was looming in no great distance. He protested against the wasteful expenditure of the finances of India. There was reckless and censurable waste in the expenditure on unproductive works in India; and he was apprehensive that wasteful expenditure would go on there until India was represented in this House. He apprehended, then, that such matters would go on as long as Her Majesty's Government had the administration of the affairs of that part of the Empire. A distinguished officer had been removed from a high position in India because he had expressed opinions on our financial administration that were disapproved by the Government. A couple of years ago the hon. Member for Aberdeen (Mr. Leith), who was a high authority on Indian affairs, presented a Petition signed by 16,000 of the most respectable members of the Native community, praying for representation in the Imperial Parliament. There was a large, influential, and cultivated class in India eminently fitted for Representatives, and whose presence in that House would greatly contribute to its efficiency. He believed that by giving those people Representatives in the House of Commons, and opening up honourable and great careers to the leading minds of India, they would do more to secure the confidence of the people of that country than could be effected by a hundred Regal processions. The hon. Member referred to the Indian famine, and, with regard to the wasteful expenditure of the funds to mitigate the severity of that calamity, said a Commission to inquire into the matter was asked for, and was refused by Her Majesty's Government. Millions and mil-

lions of the public money had been wasted in India, and, notwithstanding that, Her Majesty's Government now came to this House and asked Parliament for another loan, so that it was nothing but loans, loans, loans! It was stated by Sir Richard Temple that £500,000 had been unaccounted for. The question of borrowing £5,000,000 for India had not up to that moment occupied more than two hours; and looking at the seriousness of the matter, he, as one of a small minority, entered his protest against it.

MR. MELLOR remarked that the only Indian question which was annually brought before the House was the question of furnishing the means for the government of India; and he felt sorry to find that those hon. Members who were so desirous to bring about the repeal of the duty on imported cotton goods into India were not in their places. He considered the expenditure in India to be most excessive, and urged the necessity of economy in the various departments. It was most difficult to make anything out of the accounts; but, as far as he could understand them, he believed that a sum of money of not less than £5,000,000 was annually expended upon ineffective and unremunerative services, and with respect to effective service he found that everyone employed in India was much better paid than he would be in this country; and he especially referred to the cost of the Telegraph Service, which was very high and showed a large annual deficit. The Director General was paid a salary of £2,400 a-year, and the electricians £1,200, while in this country they only received £400 a-year. Now, why electricians in India should be paid £1,200 a-year, while the same class in this country only got £400, he could not understand. He believed that if proper care were taken of Indian finances the cotton duty could be swept away, and an innumerable number of Custom House officials dispensed with, and by freeing the sea board from fiscal import, we should then impart a stimulus to trade, which would greatly promote the prosperity of India.

LORD GEORGE HAMILTON said, that the hon. Member for Hackney (Mr. Fawcett) had addressed to the House some very cogent arguments against the borrowing of money in this country for the purposes of the Indian Govern-

ment, and he would have completely agreed with those objections if only the hon. Member had been speaking in the abstract. But we were passing through a somewhat exceptional crisis in India, and he should state briefly what the circumstances were which justified the Government in proposing to raise a loan of £5,000,000. Lord Salisbury on coming into office had laid down certain principles which the hon. Member for Hackney said had been thrown to the four winds, but which he (Lord George Hamilton), on the contrary, maintained had been strictly adhered to. The first of these principles was that there must be a clear margin between the ordinary revenue and the ordinary expenditure in India. That clear margin had been obtained during the three years they had been in office, the excess of revenue over expenditure in the first year being £2,000,000, in the second year £1,300,000, and this year it was estimated at £1,200,000. The second principle was that no public works should be constructed in future which would not be of a remunerative character. That also was a very good principle. Lord Salisbury, however, came into office shortly after the Duke of Argyll had sanctioned the construction of a large number of railways and canals which had been projected by the Indian Government. The contracts for these works had been entered into, and in some instances their construction had been commenced, and nothing could be more unwise than to stop them. The question then arose, how was it that the Government had now to ask the House to give them certain borrowing power? They were obliged to do so simply because they had had to expend in five years a sum of £11,300,000 in meeting two famines. He admitted that if these circumstances were not exceptional, and if we were obliged to spend £12,000,000 every five years for such a purpose, no language could be too strong to represent the desperate state of the finances of India. One of two things must happen. Either the people must be allowed to die of starvation or assistance must be obtained from England. But, looking at the matter from a common-sense point of view, it was not likely that famines of the magnitude of that of Bengal in 1874 or of that now raging in Madras would

Lord George Hamilton

occur again. It had been stated that excessive preparations had been made to meet that famine. That was very possibly the case, and the Government had never denied that, acting under Parliamentary pressure, they had made preparations in excess of the requirements of the case. The truth was that they had under-estimated the capacity of the grain trade and the resources of the people. In particular the expansion of the grain trade had agreeably falsified their calculations. Undoubtedly the sound way to meet an emergency was by having a balance between the ordinary income and the expenditure, so that a sum might always be available for beneficial purposes. He believed that in future the extension of railways and canals in India would have a tendency to check famines, and he pointed out that while year by year the number of miles of railroad was increasing the net loss was diminishing. But the policy of carrying on great public works was only an experiment, and he hoped that the question might next year be set at rest by a Select Committee. The Bill before the House asked for two powers—one of increasing the Funded Debt by £2,500,000, and the other of raising a similar sum by bills or bonds. Certainly there was a difference between these two powers, and arguments had been argued against them both. It was, however, to be remembered that the Indian Government was not in the position of our own Government—that it had two spending treasuries and only one of supply, and that bills were sold to get the money from India. Those bills competed with the London silver market, and the demand for silver depended on the Eastern trade; and while the cash balance of India might be overflowing, we might be unable to sell our bills here. Last year, owing to the extraordinary fluctuations of the silver market, they could not sell their bills, and a great pressure was put upon them to suspend their drawings and raise a loan here, and they were reluctantly forced to do so; and yet at that very time the Indian cash balances were so high that the Indian Government took up £1,250,000 in debentures that were not then redeemable. It had been stated in *The Economist* that he had not correctly represented Mr. Bagehot's view on that matter, though he believed he had done so.

What Mr. Bagehot had maintained as to their bills was that, in order to avoid those extreme fluctuations in the silver market, when there was no demand for silver they should either reduce or suspend their drawings on India, issue temporary bills, and, if the demand for silver increased, draw largely on India, increase their balances here, and then take up those bills when they were redeemable, the object being to keep the price of silver as steady as possible. Under the present Bill they took power to raise the whole of that £5,000,000 by temporary bills; but, in order to show that they believed it would be necessary for the service of the year to raise £2,500,000 this year, they took power only to raise one-half of the £5,000,000 by increasing the Registered or Funded Debt. Last year they were extricated from their difficulty by the total failure of the European silk crop, when there was a rush for silver for China, and they were enabled to sell their bills largely; but if the Asiatic silk crop happened to fail next year they would find themselves in great difficulty again. It was, therefore, proposed to take that power of raising £2,500,000 as the only means by which they could temporarily get over the great difficulties which the extraordinary fluctuations in silver caused last year. The highest price at which they sold their bills last year was 1s. 10d. and 9-16ths per rupee, and the lowest price was 1s. 6½d. per rupee, making a difference of over 4d. the rupee. The Government only asked that temporary power for raising £2,500,000. He believed it to be absolutely necessary. They would not use that power unless they were obliged to do so, and they would endeavour so to increase their cash balances that they would be able to take up those bills when they became redeemable. He had had some Returns prepared which would give the annual indebtedness for the last 20 years, and the purposes for which the debt had been incurred, and as soon as the best method of showing their liabilities was arrived at that Return would be laid before Parliament. He had now answered most of the objections raised to the Bill. He did not go into the question of the cash balances in his Indian Budget Statement, because it was a very complicated subject. Their cash balances did not altogether belong to them, because they did a large bank-

ing business. They had taken over the cash balances from the East India Company and had inherited their liabilities, among which was their connection with the Service Funds. But, no doubt, the cash balances of India had largely decreased. It would be most unwise to keep high cash balances in India. When once they were high every conceivable demand would be made on the Government which it would be difficult to resist. No doubt they were very low, because the Government were anxious to avoid borrowing in the last financial year, and they had met a heavy famine expenditure last year out of those balances. He agreed with the hon. Member for Hackney as to the absolute necessity of keeping down their expenditure in this country as much as possible. This expenditure was the great future danger of Indian finance; but as long as they had to deal with famines of such magnitude as those of the last four years, the Indian Money Market was not able to meet the increased expenditure thrown on the country. He sincerely trusted that would be the last time that he or any other Under Secretary for India for many years to come might have to ask Parliament for power to raise a loan in this country. Lord Salisbury had resisted as long as possible all the pressure put upon him to apply to Parliament for fresh powers, and he had only asked for the sum which was absolutely necessary and which was far less than the amount that the Indian Government had wished them to borrow. Under those circumstances, he hoped that the House would allow that Bill to be read the second time to-night, and he would be most anxious in Committee to listen to any reasonable Amendments which might be suggested.

Bill read a second time, and *committed* for *Monday* next.

SUPREME COURT OF JUDICATURE
(IRELAND) (*re-committed*) BILL—[BILL 184.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

COMMITTEE. [*Progress 26th June.*]

Bill *considered* in Committee.

Clause 13 (Tenure of office of Judges, and oaths of office),

Dr. WARD moved, in page 9, at end, to add—

"No Judge of the High Court of Justice, while he continues such Judge, shall hereafter be appointed to any place of profit under the Crown other than a judicial appointment."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) assented to the Amendment.

Amendment agreed to.

DR. WARD moved to add a Proviso that no Judge of the Supreme Court other than the Lord Chancellor should continue to be a member of any Board of Commissioners, or other Board exercising any public trust. The hon. Member questioned the propriety of a Judge acting upon Boards where he was obliged to take part in controversy relating sometimes to political as well as social questions. He was thus reduced from a high administrator of the law to a mere partizan, and the popular feeling obtained that he carried any bias he might have to the Bench.

Amendment proposed,

In page 9, after the word "appointment," at the end of the last Amendment, to add the words "No Judge of the High Court of Justice, other than the Lord Chancellor, shall be or continue to be a member of any board of Commissioners, or other body exercising any public trust, and all Acts of Parliament constituting any of the Judges members of any such board of Commissioners, or other public body, shall be and the same are hereby repealed, so far as such appointments are concerned: Provided always, That nothing herein contained shall affect any appointment already made, or any act done in pursuance of any appointment already made." (Dr. Ward.)

Question proposed, "That those words be there added."

SIR COLMAN O'LOGHLEN said, he had long been of opinion that Judges ought to be confined to judicial duties, and should not be members of Boards where political questions were sometimes discussed. He hoped, therefore, the Amendment would be accepted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, none of the Judges in Ireland got even one shilling for what they did on these Boards. They gave the advantage of their judicial experience and training to the consideration of questions which came before the Boards of which they were members, and he did not think any reasonable and fair objection could be raised against them. It would be unwise to lay down any hard-and-fast rule that they should

Dr. Ward

never serve as Commissioners, especially on the Board of Charitable Donations and Bequests, where their legal experience was no doubt of great value and utility. On the Education Board, also, their judicial training might make them useful members. It would be better to leave these appointments to the discretion of the Executive. He hoped the Committee would not support the Amendment of the hon. Gentleman.

MR. MUNTZ said, the arguments of the right hon. and learned Gentleman (the Attorney General for Ireland) had convinced him of the necessity for the Amendment. Supposing a Judge sat as a Commissioner on some Board in Ireland, and a case came before him concerning the decisions of that Board, how was it possible for him to give an unbiassed decision? If we did not require them to sit in England on public Boards, why should we in Ireland? He thought that it would only be an act of justice to agree to the Amendment.

MR. RICHARD SMYTH thought that whatever opinion a Judge might hold as a Commissioner, it would not prevent him deciding with justice when a case was argued before him in Court. He did not think the Executive in Ireland had pushed partizan appointments from the Bench in Ireland so far as to demand legislative interference in the manner suggested by the Amendment. He thought it unwise, so long as the Judges were willing to undertake the duties, for the country to deny itself their services.

MR. HOPWOOD supported the Amendment. In England the feeling strongly was that Judges should be Judges, and nothing else, and he was always in favour of making the same law for Ireland as for England. It would be dangerous to allow a Judge to place himself in a false position by reason of having already expressed an opinion upon a point raised in his Court.

MR. O'DONNELL supported the Amendment. As long as the appointment of Judges was open to suspicion it would be impossible there could be confidence in the administration of justice, and the respect due to the office of Judge. It was impossible that the Judges could maintain that position and respect as long as they were chosen from benefice holders, or were members of such bodies as the Education Commission, on which

they must take sides, and it was well known that they were appointed by the Government of the day for political considerations. On these grounds the present system was indefensible.

DR. WARD said, his object in moving the Amendment was to prevent the Executive from taking from the Judicial Bench men to do partizan work on political Boards.

THE ATTORNEY GENERAL said, that the Amendment, instead of assimilating the law between the two countries, would vary it. Judges were appointed on Commissions in England. The Lord Chief Justice was appointed one of the University Commissioners, and the Master of the Rolls was a Patent Commissioner.

MR. BUTT said, they were not speaking of Commission Judges; they might be appointed as Commissioners of Charitable Bequests and Donations, which was analogous to the Charity Commissioners in England. But would it be tolerated that a Judge should be made a Charity Commissioner? He maintained that under the existing state of things the Judicial Bench in Ireland was placed in a position in which it ought not to be placed. The Judges regarded an appointment to some of these Boards a compliment from the Government, and Judges had no right to accept compliments from the Government. He desired the Irish Judges as free from every political, and even social, movement as were the Judges in England. It was the object of all legislation that Judges should be kept free from every influence which could in any way tend to bias their judgment.

CAPTAIN NOLAN pointed out that Judges who were appointed to try Election Petitions might also be members of the Education Board, where they would have to decide on what were often political questions. It was evident that such a position of things would be undesirable, and place in a false position both Judges and Members of Parliament.

MR. BIGGAR suggested that there should be a certain staff of paid Commissioners, and that Judges should be confined to their official work. It was evident that there were more Judges than were sufficient, or else the Judges in England must be very much overworked. If there were a paid body of

Commissioners, perhaps the number of Judges might still be further reduced.

MR. RUSSELL GURNEY, with reference to what had been said as to the freedom of the English Judges from contact with political matters, said, that not long ago he had himself the honour of serving on a Commission upon a question which excited political feeling. Out of the eight members of that Commission two were learned Judges, who were among its most useful members. There were many Acts under which Judges had been appointed Commissioners, and if the Amendment were passed as it stood it would have the effect of repealing those Acts so far as regarded those Commissioners.

SIR COLMAN O'LOGHLEN proposed to amend the Amendment by excepting from its operation those Judges already appointed.

Question put.

The Committee *divided*:—Ayes 63; Noes 133: Majority 70. — (Div. List, No. 219.)

Clause *agreed to*.

Clause 14 (Precedence of Judges) *agreed to*.

Clause 15 (Saving of rights and obligations of existing Judges) *agreed to*.

Clause 16 (Provisions for extraordinary duties of Judges of the former Courts) *agreed to*.

Clause 17 (Salaries of certain existing Judges).

MR. PARNELL, in moving, in page 11, line 9, to leave out "four thousand," and insert "three thousand five hundred," said, that he did not desire to take the money out of Ireland. There were the Irish National teachers who might be benefited. They were overworked, but they were not paid too high salaries, because it was not to the advantage of the Government of the day to overpay them. In Ireland Judges were paid much larger salaries in proportion than were Judges in England. Whereas in England a barrister of good standing deliberately forfeited a certain amount of his income when he accepted a seat on the Judicial Bench, in Ireland, with but few exceptions, a barrister who was raised to the Bench received a higher salary than he could possibly earn at his profession.

MR. BUTT said, no such proposition was ever made before as that of the hon. Member to cut down the salary on which a Judge had accepted office. The Amendment would be applicable to the next clause, which dealt with future salaries.

MR. PARNELL acknowledged that he had made a mistake in moving his Amendment to the 17th clause, and would therefore withdraw it.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 18 (Salaries of future Judges).

MR. PARNELL moved, in page 11, line 29, to leave out "four thousand six hundred," and insert "four thousand."

MR. BUTT said, there were several eminent men at the Bar who had not come into Parliament who would lose considerably if they were to accept £4,000 a-year. He would not advocate the spending of a penny in Ireland unnecessarily, because patronage in the past had been a great evil; but he did not think £4,000 a-year was enough to enable these Judges to maintain the dignity of their station.

MR. BIGGAR thought £4,000 sufficient, and deprecated high salaries as likely to produce political barristers rather than eminent jurists.

CAPTAIN NOLAN said, they had voted for a reduction of the Judges and for economy in several respects. They had also voted for cutting down perquisites of public functionaries. There was a general idea that Judges ought to be well paid, and they did not wish to see their dignity lowered.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) was quite sure that hon. Members did not wish to lower the dignity of the Irish Judges; and to say that £4,600 a-year was too much for the Chief Judges would be indeed to lower their dignity.

MR. PARNELL said, he felt that he ought to take a division on the Vote; and he could not agree with the right hon. and learned Gentleman the Attorney General for Ireland, nor with the hon. and learned Member for Limerick. He would not, however, press his Amendment, and would withdraw it with the consent of the Committee.

Amendment, by leave, *withdrawn*.

MR. PARNELL then moved, in page 11, line 31, to leave out from "such," to "Act," in line 34, inclusive, and insert "three thousand five hundred pounds a-year."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) defended the Vote, and asked whether it was worth while, considering the importance of the Judges of the Court of Appeal, to cut the salaries down?

MAJOR O'GORMAN said, there was not a man at the Irish Bar at this moment who if he were offered £2,500 a-year would not jump at it. But what can we expect? We have Judges in Ireland who have sat here as Members of what was called the "Pope's Band"—men who incited the people to go about by night and commit murder. ["Order!"] They are on the Bench this moment. ["No, no!"] It cannot be denied, and has never been denied. I can bring the very words. "The nights are short in June; the nights are long in December," and the man who made use of that language was now on the Irish Bench. ["Order!"]

SIR JOHN LUBBOCK: I appeal to you, Sir, whether it is competent to the hon. and gallant Member to say that a Judge sitting on the Bench has incited to murder?

THE CHAIRMAN: The observations which have been addressed to the Committee by the hon. and gallant Member are certainly exceedingly unusual—

MAJOR O'GORMAN: Very likely. They are true. ["Order!"]

THE CHAIRMAN: At the same time, I am not prepared to say that it is not competent to a Member speaking in his place in Parliament with a due sense of his responsibility to bring a charge, however serious, against any public functionary, however important; but I think it my duty to point out to the hon. and gallant Gentleman the great responsibility of using such language.

MAJOR O'GORMAN: I accept the responsibility. I am here to accept it, and to declare openly, before this House and before all England, that there is a man on the Irish Bench at this moment—["Order!"]

THE CHAIRMAN: The Question before the Committee—

MAJOR O'GORMAN: Hear, hear!

THE CHAIRMAN: I would point out that it is the custom of this House to

treat the Chair with respect. The Question before the Committee is the salary of a Judge. [Major O'GORMAN: Aye, aye.] The Amendment now before the Committee is an Amendment touching the salary of the Judge of the Court of Appeal to be appointed under this Act, and the hon. and gallant Member's observations touching the conduct of other Judges are clearly beside the question.

MAJOR O'GORMAN: I do not think so, Sir — ["Order"] — and I beg — ["Order"] — well, then, Sir, I beg leave to say most distinctly that there is not a single Member of this House who is more ready to pay greater respect than I am prepared to give to you, Sir; and if I have in the slightest degree wandered away from that path, I sincerely beg your pardon and the pardon of the House. But, Sir, there is a broader scope in this Vote than what appears upon the Paper, and it is with respect to that that I think I am entitled to say a few words. The Question before the House is the salaries of Irish Judges, is it not? Am I to be confined in my observations to the simple question as to what shall be paid to a particular Judge? I sincerely hope not. I hope the House will permit me to say a few words on the general question. ["No, no!"] No, no! I say that comes from the right hon. and learned Member from my own county of Clare (Sir Colman O'Loughlen). I am astonished at that observation of "No, no," from him — indeed, and indeed I am. I am very much astonished, and I should be very much astonished also if his constituents are not also astonished. When the House is asked to vote these thousands, I say what they receive at this moment is quite enough. Why, there is not a man at the Irish Bar, beginning with Serjeant Armstrong—who, I believe, receives from his Profession the highest emoluments—who would not jump at an offer of a seat on the Bench with £3,000 a-year.

Mr. O'CONNOR POWER said, he thought the Amendment proposed by the hon. Member for Meath was a reasonable one, and he should therefore support it. The Chairman had allowed other speakers to-night considerable latitude, and therefore his hon. and gallant Friend (Major O'Gorman) naturally thought that a similar latitude would be extended to him. The hon. Member was

proceeding with his remarks, when——

THE CHAIRMAN twice ruled that he was out of Order, and he at last sat down.

MR. MITCHELL HENRY was opposed to small reductions in the salaries of Judges, and he was equally opposed to the multiplication of such offices. He contended that Irish Judges should be as well paid as those of England and the same thing applied to Scotland. He would have them confined to their judicial functions, but he would give them salaries that would make them easy in their circumstances. [Major O'GORMAN laughed.] My hon. and gallant Friend laughs; but he must know that Judges have a certain position to maintain, and often large families to educate, and that the due discharge of judicial functions eminently demands a mind free from unnecessary cares.

MAJOR O'GORMAN: The hon. Member says Judges have large families. Well, Sir, I am a member of a Board of Guardians, and I can tell him there are lots of paupers who have very large families.

MR. BIGGAR supported the Amendment.

MR. COURTNEY opposed the Amendment, and remarked that the fact that the House had listened to the serious charges made by the hon. and gallant Member (Major O'Gorman) was due to the feeling that there was a certain amount of truth in them. The hon. Member was proceeding to speak of the duties of Irish Judges, when——

THE CHAIRMAN pointed out to the hon. Member that he was committing the same breach of Order as that for which the hon. and gallant Member (Major O'Gorman) had been called to Order.

MR. BUTT said, that the hon. and gallant Gentleman (Major O'Gorman) knew nothing of the Bar and the Bench. He (Mr. Butt) opposed the Amendment, on the ground that it would tend to lower the dignity of the Bench. He objected to the statement of the hon. and gallant Gentleman that any man at the Irish Bar would jump at £2,500 a-year. The hon. and gallant Gentleman knew nothing about it. His statement was not true.

MAJOR O'GORMAN: I beg pardon; I shall not allow the hon. and learned Gentleman to say that I know nothing

about it—I do know something about it. [“Order!”]

THE CHAIRMAN: The hon. and gallant Gentleman can make any remarks he likes in reply; but he must allow the hon. and learned Member (Mr. Butt) to finish his speech.

MR. BUTT: I have a right to say he knows nothing about it. I base that assertion on what he said, which he never would have said if he knew anything about it. These attacks on the Irish Bench and these attempts to lower its dignity are most improper.

THE CHAIRMAN: Order, order! The question before the Committee is not the conduct of the Irish Bench, but the appointment of a particular Judge.

MAJOR O’GORMAN: Hear, hear!

MR. BUTT: I bow to your decision, Sir; but I was speaking in depreciation of these attacks on the Irish Judges with a view to diminishing their salaries. I think it would be better not to divide the Committee on this question, but to throw the responsibility on those persons upon whom it really rests.

SIR HENRY JACKSON said, the salary of a Judge ought to be such as would secure the services of the best lawyers, and as would prevent the possibility of any temptation to corruption. It was also reasonable that a Judge of higher rank should receive a salary in proportion to the dignity of the office he holds. No doubt men could always be found ready to undertake the work for less than the present salaries; but nothing could be worse than that judicial emoluments should be determined by lawyers underbidding each other, and something ought to be left to the responsibility of a Government which had certainly shown itself adverse to the payment of high judicial salaries. He suggested that his hon. Friend behind him should not divide the Committee on the point, but should throw the responsibility of fixing the amount of the salary upon Her Majesty’s Government.

MR. O’SULLIVAN objected to the salaries of the Irish Judges being reduced, as long as those salaries were voted by an English Parliament.

MR. WHALLEY was understood to denounce the attempt of the Government to obtain power and influence in Ireland by increasing the number of appointments and by giving undue salaries.

Major O’Gorman

MR. PULESTON rose to Order, appealing to the Chair whether the hon. Member’s remarks were not wide of the question before the Committee?

THE CHAIRMAN said, there was no doubt the remarks of the hon. Member did not strictly confine themselves to the Amendment, and they certainly did not refer to the Motion to report Progress.

MR. WHALLEY: I am very much obliged to you, Sir, for cutting short the observations I was not prepared to make. My observations were called forth by something like surprise—for it is a most gratifying surprise to find the hon. Member for Meath and others taking the line of economy.

Motion made, and Question proposed. “That the Chairman do report Progress, and ask leave to sit again.”—(*Mr. Whalley.*)

SIR MICHAEL HICKS - BEACH urged that before Progress was reported the Committee should come to a decision on the Amendment, which it had already fully discussed.

MR. PARNELL said, he did not intend to take a division on the question, and he hoped the hon. Member for Peterborough would not persevere in his Motion to report Progress.

THE CHAIRMAN asked, whether the hon. Member for Peterborough wished to withdraw his Motion to report Progress.

MR. WHALLEY: No.

Question put.

The Committee *divided*:—Ayes 5; Noes 203: Majority 198.—(Div. List, No. 220.)

Amendment (*Mr. Parnell*), by leave, *withdrawn*.

SIR COLMAN O’LOGHLEN (for Mr. LAW) moved, in page 11, line 34, after “Act,” to insert “to the Master of the Rolls the same salary as at present.”

THE CHANCELLOR OF THE EXCHEQUER said, that, while he was not at present prepared to assent to the proposal of the right hon. and learned Gentleman, he would consider it before the Report.

Amendment, by leave, *withdrawn*.

Committee report Progress; to sit again upon *Monday* next.

SOLICITORS EXAMINATION, &c. BILL.

(Mr. Gregory.)

[Lords.] [BILL 190.]

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. BIGGAR moved that the Chairman report Progress. It was too late an hour (1.30 a.m.) to discuss Business properly.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Biggar.)

MR. CALLAN protested against the Irish Members obstructing English Bills. ["Hear, hear!"] Well, he was not afraid, in spite of that intimidating "Hear, hear." This opposition to the Bill was unfair, and he did not want the alliance of the hon. Member for Peterborough.

MR. PARNELL said, it was a question of principle. They struggled against the conduct of Business at that hour of the morning.

MR. BIGGAR said, he should divide the House on the Question of reporting Progress.

Question put.

The Committee divided: — Ayes 5; Noes 96: Majority 91. — (Div. List, No. 221.)

AYES — Kirk, G. H. O'Gorman, P. O'Connor, D. M. O'Sullivan, W. Whalley, G. H.
TELLERS—Mr. Biggar and Mr. Parnell.

MR. PARNELL moved that the Chairman leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(Mr. Parnell.)

MR. O'SULLIVAN said, he must be consistent. He should oppose everything after 12 o'clock.

THE CHANCELLOR OF THE EXCHEQUER suggested that his hon. Friend the Member for East Sussex (Mr. Gregory) should, under the circumstances, accept the proposal to suspend further Progress with the Bill on the present occasion.

VOL. CXXXV. [THIRD SERIES.]

Question put.

The Committee divided: — Ayes 5; Noes 98: Majority 93. — (Div. List, No. 222.)

MR. BIGGAR moved to report Progress. Really these Gentlemen were too persevering. He insisted that this Bill should not pass that night.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Biggar.)

MR. C. B. DENISON: I protest against the hon. Member's language. Does he think he can threaten the House? It is high time we should put a stop to this.

MR. PARNELL: I rise to Order. I have heard an hon. Member use the word "blackguard." I wish to know if it is in Order.

THE CHAIRMAN: That language, of course, is not Parliamentary.

MR. C. B. DENISON said, they must not be compelled to close the House at any particular hour.

MR. PARNELL said, these late Sitings were bringing the House into contempt. The Bill had been opposed on the ground that there were important Amendments on it, and there was not time to discuss it. Members had been insulted, and those who had given the insult had not the courage to apologize. Neither he nor his hon. Friend (Mr. Biggar) were responsible for this scene.

MR. GREGORY said, he was responsible, so far as such responsibility attached, to persevering with the Bill; but as this kind of opposition was tolerated, he should withdraw the Bill for the present. The Bill had been approved by all the Judges and by the Profession, and the Bill facilitated the admission of Irishmen into the Profession in England.

MR. BUTT said, he thought the opposition to the Bill very unfair. Of course, he accepted the statement of the hon. Member who had just spoken. The Bill was practically unopposed. He earnestly asked the opponents of the Bill to withdraw their opposition.

MR. BELL said, he had used the word to which the hon. Member (Mr. Parnell) alluded; but it was uttered inadver-

tently, and without the least intention that it should reach the ears of any hon. Member. He expressed his deep regret for having used the word.

MR. BLAKE hoped the Bill would be proceeded with. He had sat up the whole of the other night in protesting against the proceedings of this small minority, and he was prepared to stay again to-night.

MR. WHALLEY protested against Members assuming superior airs over their fellows.

MR. BIGGAR expressed his regret for using the word "insist," but he should not flinch from his position.

MR. ANDERSON trusted the House was not prepared to enter upon another struggle such as that which terminated at a late hour the other morning.

MR. PARNELL said, there was no desire to postpone the Bill if brought on at a proper time.

THE ATTORNEY GENERAL said, the Bill would confer benefits on law students coming from Ireland. If the half-past 12 o'clock rule were to be rigidly adhered to, it would be impossible for the Bill to be passed this Session. He trusted that the hon. Member would withdraw his Motion for reporting Progress. At that hour he hoped the House would refrain from dividing again, and so avoid a repetition of the scene of the other night.

MAJOR O'GORMAN said, the hon. Member (Mr. Gregory) was willing to withdraw, but he was forced to go on by those behind him. Therefore, hon. Members opposite were responsible.

Question put.

The Committee *divided*: — Ayes 4; Noes 78: Majority 74.—(Div. List, No. 223.)

MR. PARNELL moved that the Chairman leave the Chair.

MR. GREGORY said, if the Motion were withdrawn, he should assent to reporting Progress.

Motion, by leave, *withdrawn*.

MR. GREGORY moved to report Progress.

Motion *agreed to*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Mr. Bell

FACTORS ACT AMENDMENT BILL.

(*Sir John Lubbock, Sir James M'Garra-Hogg, Sir Charles Mills, Mr. Watkin Williams.*)

[BILL 168.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

MR. BIGGAR moved to report Progress.

MR. WHALLEY appealed to the hon. Member to withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. CALLAN asked what consistency was there in this? The hon. Member for Cavan opposed a Bill which conferred benefit on Ireland, but he allowed this Bill to pass.

MR. O'SULLIVAN rose to Order.

THE CHAIRMAN ruled that the hon. Member for Dundalk was out of Order.

Bill *reported*; as amended to be considered *To-morrow*, at Two of the clock.

BUSINESS OF THE HOUSE.

RESOLUTION.

MR. WHALLEY rose to move—

"That the practice of commencing business in this House at hours varying on each day, and continuing its sittings up to indefinite and unreasonable hours of the night and morning is at variance with experience as to the proper mode of transacting public business, and alike inconsistent with the convenience of Members and the due discharge of the duties of this House." when——

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, 6th July, 1877.

MINUTES.] — *Sat First in Parliament* — The Lord Byron, after the death of his Grandfather.

PUBLIC BILLS—First Reading—General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) * (137).

Committee—Report—Prisons (116); Universities of Oxford and Cambridge (175).

Report—Reservoirs * (103).

Third Reading—Pier and Harbour Orders Confirmation (No. 1) * (112); Municipal Corporations (New Charters) * (125).

Withdrawal—Tramways * (124).

PRISONS BILL—(No. 116.)

(*The Lord Steward.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 3 (Preliminary), *agreed to.*

PART I.

Transfer and Administration of Prisons.

Clauses 4 and 5 (Transfer of Prisons, Administration of Prisons), *agreed to.*

Clauses 6 to 12 (Prison Commissioners), *agreed to.*

Visiting Committee of Justices.

Clause 13 (Appointment of Visiting Committee of Prisons), *agreed to.*

Clause 14 (Duties of Visiting Committee).

LORD LEIGH said, that the Amendment which he wished to propose at the end of the Clause was one he trusted the noble Earl (Earl Beauchamp) would not object to, as it in no way affected the principle of the Bill. Their Lordships were aware that by Clause 13 Visiting Justices were to be continued, as now, to be appointed by Courts of Quarter Sessions, and his object in asking their Lordships to add the few words he suggested at the end of this clause was to secure that they should be called upon to report, as they did now, to Quarter Sessions. He was sure their Lordships would agree with him in considering it desirable that the office of Visiting Magistrate should not be a mere sham; consequently, in his opinion, the best way of keeping up their interest in the work was to call upon them not only to report to the Secretary of State from time to time, but also to Courts of Quarter Sessions in their respective counties and boroughs from whom they had received their appointments, and thus ensure for the management of our gaols attention and publicity on the

spot. Magistrates being entrusted with the administration of justice, he thought it most desirable that they should be kept well informed as to what was going on in their respective gaols, both county and borough.

Moved to insert—

“And such Visiting Justices shall send a quarterly report to the Chairman of the Court of Quarter Sessions having jurisdiction within the district from which they shall have been appointed.”—(*The Lord Leigh.*)

EARL BEAUCHAMP said, that the Amendment of the noble Lord, as far as he understood it, if the report suggested was to have any value at all, struck at the very root of the principle of the Bill. The noble Lord laid down as the foundation of his argument that the Magistrates in Quarter Sessions were entrusted with the administration of justice, and ought therefore to be informed on all that went on in prison. As far as that argument was worth anything, it would on the same ground be right that the Visiting Magistrates should report to the Judges of the land as well as to the Court of Quarter Sessions, because the Judges who went Circuit were entrusted with the administration of justice. That Bill proposed materially to alter the relation of the Court of Quarter Sessions to the gaols, because under it the Queen would resume her jurisdiction over the prisons, and the authority would be vested in the Secretary of State, to whom the report should properly be made. No doubt they wanted efficient local supervision, and that would be provided for by appointing a Visiting Committee under the Bill. But to lay it down as an obligation on the Visiting Committee that they should report to the Court of Quarter Sessions would place everybody in a false and wrong position. Supposing they reported to the Court of Quarter Sessions, if there was a difference of opinion between the Visiting Committee and the Secretary of State, the Visiting Committee would report their view to the Court of Quarter Sessions—what in that case was the latter to do? Supposing it should pass a Vote of Censure on the Secretary of State, was the Secretary of State to enter into a controversy with the Court of Quarter Sessions, which really had no jurisdiction in the matter? Again, under the Bill the Visiting

Committee would be appointed by different Courts of Quarter Sessions in various cases. In the county of Lincoln, for instance, one gaol would probably suffice for all the prisoners in that county, where there were three Courts of Quarter Sessions. Were the Visiting Committee to report to each of those three Courts of Quarter Sessions. For the reasons he had stated he hoped his noble Friend would not press his Amendment.

LORD EGERTON OF TATTON made some remarks, which were not heard. The noble Lord supported the Amendment.

THE EARL OF KIMBERLEY thought that the Amendment was an extremely harmless one, and one that came fairly within the scope of the Bill. He did not see why it should be objected to, seeing that it had a tendency to check the centralizing principle. Having introduced the Visiting Justices into their measure, he should have thought the Government would have wished to make their supervision a reality. It was said the Visiting Justices would report to the Secretary of State, as if they were officers of that Minister; but, surely, it was desirable that there should be some independent authority to report on the condition of a gaol. It would be an advantage to the Secretary of State to have some check on the Prison Commissioners and Inspectors. The magistrates were a local body interested in knowing all about the gaols to which prisoners were sent, the effect of the sentences passed on prisoners, and the like:—the Judges, who had to go to different parts of the country, were not exactly in the same position as local magistrates in regard to those matters.

THE DUKE OF RICHMOND AND GORDON said, the noble Earl had not told them what would be the result of a report by the Visiting Justices to the Quarter Sessions. It would be simply *nil*—the report would lie upon the Table, and no action would be taken upon it. The Bill provided that the Visiting Justices should report to an authority who had power to act in the matter—namely, the Secretary of State for the Home Department; and so far as publicity went, that would be ensured by the Reports of the Prison Commissioners, which by the 10th clause were to be laid before both Houses of Parlia-

ment. The Visiting Justices would go over the gaol, and see the prisoners and hear if they had any complaint to make. That which they would do under this Bill they had done before—they were the proper body to see if prisoners were properly treated—to see that no oppression on the part of authorities in the gaols was used as against prisoners. He should be sorry to see the Amendment introduced into the Bill.

LORD SELBORNE explained that what his noble Friend near him (the Earl of Kimberley) desired to point out was, that the magistrates would be deprived by the Bill of powers which they at present exercised, and which it was most desirable they should still exercise.

THE EARL OF POWIS said, one or two instances of hard treatment in gaols had happened lately. Suspicion of hard treatment might arise in cases where accidental death took place, or epidemic disease in the prison had proved fatal, or been communicated in the neighbourhood. Questions would assuredly be asked of the Visitors at the next quarter sessions. He thought it would be much better that a written Report of the condition of the gaol should be given to the Quarter Sessions than that a *verbal* account only should be obtainable.

LORD DENMAN said, there was no necessity for the clause proposed by the noble Lord (Lord Leigh), because Visiting Justices would always let their brother magistrates know what was passing between them and the Home Office. In the county to which he had the honour to belong, they had lost one of the best Visiting Justices that ever lived (Mr. Mundy), and no successor would be elected to that honourable gentleman who would not explain all proceedings. No notice of this (Prisons) Bill had been taken for the Quarter Sessions, and no objection was made to it.

THE EARL OF HARROWBY supported the Amendment.

EARL BEAUCHAMP said, that to a certain extent, the principle of this Bill was already carried out in Worcestershire. The gaol at Worcester had for some time ceased to be under the control of the Quarter Sessions, the county gaol had ceased to be under the control of the County Justices, and the whole jurisdiction in respect of the city gaol

Earl Beauchamp

and the county gaol had been transferred to a Committee of Visitors of Prisons. He saw no reason why anything should be done to create an anomalous jurisdiction after arrangements had been made, or were proposed to be made, by means of the Bill under consideration, for the efficient management of prisons. Why should they, when they created one authority entrusted with the proper supervision of prisons, create another by which nothing could be done?

EARL GRANVILLE said, his vote would be determined by the consideration that the Bill, as it stood, would practically put an end to the local supervision of prisons. He strongly objected to any proposal which could have the effect of decreasing local interest in prison discipline.

THE DUKE OF RICHMOND AND GORDON admitted that there was some force in what had been said in support of the proposed Amendment, and was willing to undertake that before the Report on the Bill, the whole question should be carefully considered; and he hoped to be able to make a proposal that would meet the views of the noble Lord who had moved the Amendment and those who thought with him.

VISCOUNT CARDWELL supported the Amendment.

THE LORD CHANCELLOR thought it would not be difficult to deal with the broad principle contained in the Amendment, if patience were exercised until the Bill was reported to their Lordships.

On Question? Their Lordships divided:—Contents 58; Not-Contents 80: Majority 22.

CONTENTS.

Devonshire, D.	Minto, E.
Somerset, D.	Morley, E.
Westminster, D.	Powis, E.
Lansdowne, M.	Redesdale, E.
Amherst, E.	Sandwich, E.
Ranry, E.	Stradbroke, E.
Belmore, E.	Sydney, E.
Camperdown, E.	Waldegrave, E.
Cowper, E.	Cardwell, V.
Ducie, E.	Halifax, V.
Fortescue, E.	Hardinge, V.
Granville, E.	Beaumont, L.
Harrowby, E.	Blachford, L.
Ilchester, E.	Boyle, L. (<i>E. Cork and Orrery.</i>) [Teller.]
Jersey, E.	Carew, L.
Kimberley, E.	Carysfort, L. (<i>E. Carysfort.</i>)
Lanborough, E.	
Levelace, E.	

Clinton, L.
 Egerton, L.
 Hammond, L.
 Hanmer, L.
 Hatherton, L.
 Houghton, L.
 Leigh, L. [Teller.]
 Lyveden, L.
 Monck, L. (*V. Monck.*)
 Monson, L.
 Mostyn, L.
 Ponsonby, L. (*E. Bessborough.*)
 Romilly, L.
 Rossie, L. (*L. Kinnaird.*)

Saye and Sele, L.
 Selborne, L.
 Sherborne, L.
 Somerton, L. (*E. Normanston.*)
 Stanley of Alderley, L.
 Strafford, L. (*V. Enfield.*)
 Stratheden and Campbell, L.
 Strathspey, L. (*E. Seafield.*)
 Sudeley, L.
 Vaux of Harrowden, L.

NOT-CONTENTS.

Cairns, L. (*L. Chancellor.*)
 Manchester, D.
 Northumberland, D.
 Richmond, D.
 Bath, M.
 Bute, M.
 Hertford, M.
 Salisbury, M.
 Winchester, M.
 Beaconsfield, E.
 Beauchamp, E.
 Bradford, E.
 Cadogan, E.
 Coventry, E.
 Gainsborough, E.
 Lindsey, E.
 Morton, E.
 Nelson, E.
 Selkirk, E.
 Stanhope, E.
 Verulam, E.
 Wharnccliffe, E.
 Wilton, E.
 Bridport, V.
 Clancarty, V. (*E. Clancarty.*)
 Hawarden, V. [Teller.]
 Leinster, V. (*D. Leinster.*)
 Strathallan, V.
 Templetown, V.
 Chichester, L. Bp.
 Abinger, L.
 Airey, L.
 Alington, L.
 Ashford, L. (*V. Bury.*)
 Aveland, L.
 Bagot, L.
 Bolton, L.
 Brodrick, L. (*V. Middleton.*)
 Chelmsford, L.
 Clanbrassill, L. (*E. Roden.*)
 Clonbrock, L.
 Cloncurry, L.
 Colville of Culross, L.
 Cottesloe, L.
 Crofton, L.
 D'L'Isleand Dudley, L.
 Denman, L.
 de Ros, L.
 De Saumarez, L.
 Digby, L.
 Dunmore, L. (*E. Dunmore.*)
 Elphinstone, L.
 Forbes, L.
 Forester, L.
 Foxford, L. (*E. Lime-
rick.*)
 Gordon of Drumearn, L.
 Gormanston, L. (*V. Gormanston.*)
 Grey de Radcliffe, L. (*V. Grey de Wilton.*)
 Grinstead, L. (*E. Ennis-
killen.*)
 Hampton, L.
 Harlech, L.
 Hartismere, L. (*L. Henniker.*)
 Heytesbury, L.
 Inchiquin, L.
 Kenlis, L. (*M. Headfort.*)
 Leconfield, L.
 Manners, L.
 Minster, L. (*M. Conyngham.*)
 Oranmore and Browne, L.
 Oriel, L. (*V. Massereene.*)
 Ormonde, L. (*M. Ormonde.*)
 Penrhyn, L.
 Sackville, L.
 Saltersford, L. (*E. Cour-
town.*)
 Silchester, L. (*E. Long-
ford.*)
 Sinclair, L.
 Skelmersdale, L.
 [Teller.]
 Walsingham, L.
 Winmarleigh, L.
 Zouche of Haryng-
 worth, L.

Resolved in the Negative.

Clause agreed to.

Clause 15 (Visits to prison by any justice), *agreed to*.

PART II. SUPPLEMENTAL PROVISIONS.

As to Obligation to Maintain Prisons.

Clause 16 (Termination of local obligation to maintain prisons), *agreed to*.

Clause 17 (Compensation to be made in place of prison accommodation), *agreed to*.

Clause 18 (Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority).

EARL COWPER pointed out that by Clause 17, where the prison accommodation was insufficient the prison authority was to pay into the Exchequer £120 for every additional cell that was required; and the clause in the commencement recognized the principle that where the accommodation provided was more than was required, the prison authority should receive compensation of the same amount. What was thus given, however, with one hand was taken away with the other, and he therefore moved the omission of the words which so took it away—namely, from the words “Secretary of State” in line 18 to the word “that” in line 20.

EARL BEAUCHAMP said, the Proviso, the omission of which was moved, was directed against a different case from that to which the noble Earl alluded—namely, where the county had been extravagant, or had through miscalculation built largely in excess of what was required. In such a case the loss must fall somewhere, and it was considered that the county, and not the Imperial Treasury, should bear the burden.

THE EARL OF KIMBERLEY was understood to say that when the Government took over a prison with excessive accommodation, they ought to pay in the event of their being able to make that accommodation available for prisoners from another county.

THE LORD CHANCELLOR reminded the noble Earl that the effect of his Amendment would be to throw upon the public funds a charge which it could not be supposed would be sanctioned by the other House.

Amendment (by leave of the House) *withdrawn*.

Clause *agreed to*.

Clause 19 *agreed to*.

Clauses 20 to 23 (As to contracts and debts), *agreed to*.

Clauses 24 to 29 (As to classification and commitment of prisoners), *agreed to*.

Clauses 30 to 32 (As to jurisdiction), *agreed to*.

As to Discontinuance of Prisons.

Clause 33 (Power of Secretary of State to discontinue prisons).

THE EARL OF POWIS moved an Amendment, with the object of restoring the clause to the form in which it was introduced in the other House. The clause as it stood empowered the Secretary of State to abolish the local gaols in counties having less than a certain population. In his opinion, one gaol should be kept up in all counties for the convenience of untried prisoners, who might otherwise be conveyed to places far distant from their homes, where they would be unable to communicate with their legal advisers and their witnesses without incurring considerable expense and being otherwise subjected to disadvantage. It would not cost much to keep up one or two of the smaller gaols which it was contemplated to abolish, the expense of maintaining a small staff of officers and of keeping the premises in repair being very slight. In this case area was quite as much a matter of consideration as population. The loss of the gaol would certainly lead to the abolition of the Assizes and Quarter Sessions, and so seriously affect the constitutional position and completeness of the county.

An Amendment moved,

In page 12, lines 40 and 41, to omit “unless the Secretary of State otherwise order, for special reasons to be stated in his order.”—(*The Earl of Powis*.)

EARL BEAUCHAMP thought that the arguments of the noble Earl went far to prove the necessity of the words which he sought to strike out of the clause. The noble Earl appeared to think that inconvenience might arise from the Secretary of State making such Orders as would inconvenience the public; but he had never known a Secretary of State who was likely to disregard the

convenience of the public. The provisions of the Bill, by requiring the Order of the Secretary of State to be laid before Parliament before it could be enforced, afforded an efficient guarantee against an abuse of the power by that Minister. He declined to accept the *dictum* of the noble Earl, that requirements under this section should be regulated by the extent of the area of the county. The case of the gaol of the county of Rutland, where a few prisoners were maintained at an expense of £117 per head per annum, was an instance showing the necessity for abolishing prisons of that class. The noble Earl had drawn a harrowing picture of the untried prisoner being unable to communicate with his friends and his legal advisers; but he must submit that such inconvenience must necessarily be occasionally endured, because it would be impossible to keep up gaols in all parts of a large county like Lincolnshire in order to the convenience of untried prisoners. The Bill contained provisions that mitigated the hardship upon the prisoners who were to be removed out of their own counties, and to enable the Visiting Justices of their district to have access to them at all times.

Amendment negatived.

Clause agreed to.

Clause 34 (Effect of discontinuance of prison), *agreed to.*

Clauses 35 and 36 (Status of prison officers), *agreed to.*

On Clause 35,

THE EARL OF LIMERICK said, it enabled the Secretary of State to take over the present officials of prisons, who at present were local officers, and to redistribute them as he might think proper, for the performance of the same or analogous duties. It was feared by many that great hardships would be caused to them if they were moved from place to place. He hoped that some assurance would be given that all the circumstance of these officials would be fully considered.

EARL BEAUCHAMP promised that great care should be taken in carrying out the provisions of this clause so that no injustice should be done to the present officials.

Clauses 37 to 54 (As to miscellaneous matters), *agreed to.*

Clause 55 (Arrangement and arbitration), *agreed to.*

Clauses 56 to 61 (Definitions), *agreed to.*

Remaining clauses *agreed to.*

Bill *reported*, without Amendment; and to be read 3^d on *Monday* next.

POST OFFICE (TELEGRAPHS).

RESOLUTION.

THE EARL OF REDESDALE, on rising to call attention to the Correspondence between the Earl of Redesdale and the Postmaster General laid before the House on the 28th June last; and to move a Resolution, remarked that no man had been a more consistent supporter of the Government than himself; but that, as Chairman of Committees appointed by the House to watch over its private legislation, he had thought it his duty to take the course he was now pursuing. He desired that, at any rate, the responsibility in respect of these clauses should rest upon the House, and not upon himself. The provisions which the Post Office sought to introduce into certain Private Bills appeared to him objectionable, not in themselves, but because they would be of piecemeal and partial application in the country, and as the Postmaster General had challenged his right to veto them, he had deemed it right to bring the question under the notice of the House. In the Correspondence which had passed on the subject, the Postmaster General reminded him that the assent of the Crown must be given to any Private Bill affecting Crown property before it could pass. That statement was, no doubt, true, but it applied only to landed property of the Crown, which could only be dealt with in special Bills relating to particular cases. The Post Office clauses were of a different character altogether. They were to a considerable extent positive enactments conferring certain rights and privileges upon the Postmaster General as against the corporations or companies in whose Bills they were to be inserted. Now, if those clauses were required on public grounds, they ought, in his opinion, to be applied to all companies, in all parts

of the Kingdom, and not merely to those who happened to have particular Bills before Parliament. In one town a Gas Bill would subject the gas works to the penalties laid down by the Postmaster General, while the waterworks in the same town which had no Bill would escape scot-free. A corporation with a Bill was made liable, while the companies in the same place were not. That seemed to him an extremely unfair mode of proceeding with regard to public property. Whatever provisions the Postmaster General might think necessary for the working of the telegraphs ought, in his opinion, to be uniform in their application, and to form the subject of public legislation. He accordingly declined to sanction the introduction of the clauses referred to in the private Bills. His views on the subject were fully embodied in the Correspondence which he now moved should be laid before the House, and he trusted the subject would receive from their Lordships the attention which, in his opinion, it deserved.

Moved, "That it is not expedient to agree to the introduction of the clauses proposed by the Post Office for partial protection of their telegraphs into certain private Bills."—(*The Earl of Redesdale*).

THE LORD CHANCELLOR fully acknowledged the great energy and activity which his noble Friend had always shown in the conduct of Private Business, and the great weight of his authority on that subject; but he was nevertheless of opinion that, in the present instance, he had taken an altogether untenable position. The Resolution he had submitted to the House was, he would venture to say, without parallel in Parliamentary history. His noble Friend did not say that the clauses to which he referred were improper clauses—he only said that they ought to be made general. Whether the clauses in question ought to be introduced into certain private Bills was a point which his noble Friend was perfectly entitled to raise. He might have moved that one of those Bills should be considered in Committee of the Whole House, and he might then have taken the opinion of the House upon the clauses to which he objected. But instead of following that course—which would have been in accordance with Parliamentary practice—his noble Friend had introduced a Motion apply-

ing to particular clauses in something like half-a-hundred Bills, and the result might be this—The House might be induced—though that was not very likely—to accept the Motion, and when the clauses in question came before it in each of those Bills it might vote in the opposite way. He (the Lord Chancellor) entirely protested against the Motion, and in all friendliness challenged his noble Friend to produce a single example of such a course as he proposed being adopted in either House of Parliament. What was the nature of the clauses to which the Motion of his noble Friend applied? They were simply intended to prevent Gas and other companies who had obtained power to carry out public improvements from meddling with the telegraph wires and poles without obtaining the consent of the Postmaster General or his representatives; and if such interferences took place penalties were made exigible. These were, surely, safe provisions. As an example of the kind of cases for which some provision of that kind was necessary, he might mention that, at Manchester, some workmen finding telegraph wires in their way, cut them without notice, and thus caused great inconvenience to the public. There were now something like 60 Private Bills which had come up from the other House, in which the Post Office Department had proposed in the other House that those protective clauses should be inserted. Into a great number of them they were introduced with the consent of the promoters; but with regard to others objections were made by the promoters. Those objections were considered by Select Committees of the other House, and the result was that the clauses were inserted either as they had been first proposed or, in some particular cases, with modifications suited to the locality in which they were to be applied. Those Bills had come up to their Lordships' House, and the question which his noble Friend raised was whether it was right that that House should reject those clauses which, after consideration and in many instances with the consent of the promoters had been inserted in the other House. There was also a certain number of other Bills—bringing the whole up to about 100—as to which the question was *sub judice* in this House, whether clauses of that description should be introduced. There-

The Earl of Redesdale

fore, what his noble Friend proposed was that they should undo what had been done in the other House in the case of some 60 Bills, and declare what they would refuse to do in respect to some 40 more Bills. His noble Friend said that if those clauses were proper to be introduced, they ought to be introduced by a general measure. He conceded that it might be advisable to introduce those clauses by a general measure, and there was a strong probability that they would be so introduced; but still, it was new to him that it was contrary to Parliamentary practice or at all unusual when the promoters of private Bills came to Parliament for powers to enable them to interfere with public property or public rights of a particular kind, for Parliament to put them under terms requiring them in executing such powers not to do injury to those public rights. It was the most common of all cases for Parliament to require clauses of that kind to be inserted. His noble Friend had complained that the Government had brought in an additional Bishoprics Bill, and occupied the time of Parliament with that, whereas they ought to have endeavoured to pass a general Bill in regard to those clauses. With all courtesy he told his noble Friend that the Government must be the judges in a matter of that kind. He demurred to the proposition that because it might be desirable hereafter to have a general measure on that subject, therefore they were to allow the promoters of a number of Private Bills to carry them through Parliament, to acquire vested interests, and to meddle with public property without putting them under reasonable terms as to the exercise of those powers for which they were soliciting Parliament. He would commend to the attention of his noble Friend the passage in Sir Erskine May's valuable book as to the Practice of Parliament in regard to Private Bills. That work gave the history of what was done generally by the public Departments in regard to such Bills. The authorities of those Departments in both Houses frequently suggested Amendments in Private Bills, which were either agreed to by the promoters, or the promoters suggested similar Amendments of their own for the same purpose. The Board of Trade assisted at the revision of Railway Bills, and suggested such Amendments as

they thought necessary for the protection of the public, or for the saving of private rights. The Home Secretary exercised a similar supervision over turnpike road Bills. When, again, Private Bills affected places where there were naval dockyards, the Admiralty required protective clauses to be inserted. And so the Board of Trade, the Board of Health, the Treasury—in fact, there was not a single Department of the State which was not in the habit of watching in that way over the public interests committed to it, and of having the Private Bills of the year submitted to it, with a view to the insertion in them before Committees of both Houses of provisions analogous to those which the Post Office now required in the case of the telegraphs. Finding in Private Bills powers taken the exercise of which would interfere with the telegraphs under their protection, the Post Office Department framed a set of model clauses, moderate and proper for their purpose, and they asked Parliament in the case of every such Bill to adopt them. Those clauses, in the great majority of instances, had been inserted without the slightest objection on the part of the promoters until they came to that House, when they found they had an unexpected ally in his noble Friend, who became their champion; and, although they had assented to the insertion of the clauses in the other House, those Gentlemen would be exceedingly glad to have them rejected in their Lordships' House. It was perfectly right, when an application was made in that House to have those clauses inserted in any Bill, that the question should be fairly considered whether there was a justification for their insertion; but a sweeping Resolution like that proposed by his noble Friend was an entirely different matter. The Post Office was only following the practice adopted by every other Department, yet his noble Friend said they were to have no protection until they had a general measure. But he submitted that those who came to Parliament for powers, in the exercise of which they might cause inconvenience to the telegraphic system of the country might fairly be put under the terms which Parliament thought just and reasonable.

EARL GRANVILLE said, he was not surprised that the noble Earl the Chairman of Committees, having a strong

opinion, rightly or wrongly, that those clauses ought not to be introduced into Private Bills in the present manner, should have brought the matter before their Lordships. The noble Earl had suggested that the remedy on this subject would be to pass a general Bill with regard to it. In answer to that remark, the noble and learned Lord on the Woolsack said that it was too late for Her Majesty's Government to introduce such a Bill this Session. He (Earl Granville) thought Her Majesty's Government ought to give a pledge that they would prepare and introduce such a Bill in the next Session.

After a few words from the Earl of Powis,

THE EARL OF BEACONSFIELD said, he quite admitted that a general Act on this subject should be passed, and Her Majesty's Government would undertake the duty of bringing in a general Bill. But he trusted that after the declaration on the part of the Government, there would be no further opposition to the Bills—of which the number was considerable—now before the House awaiting its sanction, and in which great interest was felt.

THE EARL OF REDESDALE, in reply, said, he regarded these clauses as unjust, and the promise just given by the Prime Minister, in fact, admitted that they were so. Of course, if their Lordships took upon themselves the responsibility of sanctioning the insertion of them, it would be useless to press his Motion; but he must observe that their sanction of them was the worst precedent in his time with regard to Private Legislation.

Motion (by leave of the House) *withdrawn*.

CONFESSIOAL IN THE CHURCH OF ENGLAND—"THE PRIEST IN ABSOLUTION."—QUESTION.

LORD ORANMORE AND BROWNE rose to call the attention of the House to the notice which appeared in the "Ecclesiastical Gazette" of the 15th of June, that the Lord Chancellor had appointed the Rev. Edgar Herman Cross to the Rectory of St. Nicholas, Lewes, Sussex; and to ask the Lord Chancellor, Whether he was aware that the name of the Rev. Edgar Herman Cross appeared in the list of members of the Society of

Earl Granville

the Holy Cross, the Society which countenance the use of the book called "The Priest in Absolution?" The noble Lord said the public opinion—and he believed it to be right—was that no one more than the noble and learned Lord himself disapproved the proceedings of this Society, and it was difficult to understand how this appointment was made. It might be said that the Rev. Mr. Cross was an excellent man; but he hardly expected that would be said by the noble and learned Lord, because there were excellent clergymen in every Church. What we wanted in the Church of England were clergymen who would work honestly and consistently in accordance with the doctrines of that Church.

THE LORD CHANCELLOR: My Lords, my answer to the Question of the noble Lord must be in the negative. I am not aware of the fact he has stated in the Question.

THE BISHOP OF CHICHESTER said, he had instituted this gentleman to the parish referred to in the parish church, and in the presence of the parishioners, after having taken every possible precaution. With regard to this particular Society, how could the Lord Chancellor know anything of it, when the very existence of it he (the Bishop of Chichester) thought was unknown in that House until attention was called to it by the noble Earl the Chairman of Committees? Therefore he hoped their Lordships would under these circumstances extend their indulgence to the Lord Chancellor and to himself with regard to this subject.

LORD ORANMORE AND BROWNE said, that he understood the answer of the noble and learned Lord on the Woolsack in the sense that he had made no such appointment. ["No, no!"] The answer meant, therefore, that the noble and learned Lord did not know that the gentleman in question was a member of the Society of the Holy Cross.

House adjourned at half-past Seven
o'clock, till Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 6th July, 1877.

MINUTES.]—SELECT COMMITTEE—*Report—*
Public Offices and Buildings (Metropolis)
[No. 312].

SUPPLY—*considered in Committee—NAVY ESTI-*
MATES—*Resolutions* [July 2 and 5] *reported.*

PUBLIC BILLS—*Considered as amended—Factors*
Act Amendment * [168].

Withdrawn—Landlord and Tenant (Ireland)
Act (1870) Amendment * [51].

The House met at Two of the clock.

QUESTIONS.

BOILER EXPLOSIONS.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been directed to the account of a boiler explosion at the Ravensdale Forge, near Tunstall, North Stafford, on the 26th ult., and by which ten persons lost their lives and thirty-five others were seriously injured; and, whether he will direct that some eminent legal gentleman be sent down to see that a complete and searching inquiry may take place into the cause of that disaster?

MR. ASSHETON CROSS, in reply, said, he had received two or three deputations from one of the most valuable voluntary institutions in the country—the Manchester Steam Users Association—and that these deputations had pointed out to him the causes of various boiler explosions, and how it was that coroners' inquests in such cases were very often not satisfactory. He felt bound to take this opportunity of bearing his testimony to the extreme value of that Association. In the course of the last six months its chief engineer had examined no less than 3,500 boilers, and had discovered 748 defects, 84 of which were dangerous; and the number of accidents which this voluntary Association had prevented was, he believed, enormous. On the occasion of the last deputation, he promised that as soon as he received information of any serious boiler explosion he would send counsel to represent the Home Office

at the coroner's inquest, and this promise he had fulfilled in connection with the explosion referred to by the hon. Member.

THE MEDITERRANEAN FLEET—
BESIKA BAY.—QUESTION.

SIR WILFRID LAWSON asked Mr. Chancellor of the Exchequer, Whether he has any objection to inform the House with what object Her Majesty's Government have ordered the Fleet to Besika Bay?

MR. GOURLEY said, he had a Question to put on the same subject—namely, to ask Mr. Chancellor of the Exchequer, If he will be good enough to inform the House the number and names of the vessels belonging to the Mediterranean Squadron ordered from the Piræus to Besika Bay; and, why they have been sent there in place of the Suez Canal? He wished to add, that if the Answer was not satisfactory, he would bring the Question forward on the Motion for going into Committee on the Navy Estimates.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the object with which the Fleet has been sent to Besika Bay is that it should be at a convenient station. The position of Besika Bay is a central one, which enables the Admiralty to communicate with rapidity, if necessary, with Her Majesty's Ambassador at Constantinople, and with the British Government, and it is thought, therefore, to be a most convenient position for the Fleet. The hon. Member for Sunderland (Mr. Gourley) asks for the number and names of the vessels which have been sent there. Of course, there can be no objection, if he likes to move for a Return, to give him any particulars regarding them; but I may say generally that there are eight vessels, of which seven are iron-clads and one an unarmoured frigate. The iron-clads are the *Alexandra*, the *Swiftsure*, the *Pallas*, the *Sultan*, the *Devastation*, the *Rupert*, and the *Hotspur*, and the unarmoured frigate is the *Raleigh*. The hon. Gentleman asks why they have been sent there in place of the Suez Canal. The answer is, that Besika Bay is a convenient and central station, and that the Suez Canal is not equally central. Moreover, there is no particular reason why any vessel should be sent to the Suez Canal beyond

the one already stationed there, which I believe is the *Research*, which has taken the place of the *Hotspur*.

PARLIAMENT—PRIVILEGE—REFLECTIONS ON THE SPEAKER OF THIS HOUSE.—EXPLANATION.

MR. PULESTON said, that after consultation with various hon. Members, and after hearing the satisfactory statement of the right hon. Gentleman the Chancellor of the Exchequer yesterday, he had determined not to proceed this Session with the Motion of which he had given Notice, as to altering the Rule which enabled a Member, in Committee of the Whole House, to move any number of times that "the Chairman do report Progress," or that "the Chairman do leave the Chair."

MR. PARNELL said, it would be in the recollection of the House that yesterday, when the hon. Member for Leominster (Mr. Blake) proposed on a question of Privilege to call attention to certain reports of speeches he (Mr. Parnell) had elsewhere made, he expressed his willingness to make an explanation, if the Speaker and the House so desired. As the House had not accepted the suggestion of the hon. Member for Leominster that his Motion should be treated as a question of Privilege, and as, from the position of the Motion on the Notice Paper, there was no immediate prospect of the hon. Member being able to bring the matter before the House, he thought it right to explain, in reference to a report of the expressions he used at a meeting on the 21st of April, that it was an inaccurate report, as he himself stated in the House shortly after the meeting was held. Perhaps he might be permitted also to remind the House, in reference to that report, that he had always, publicly and privately, in Ireland as well as England, repudiated any intention of obstructing the conduct of Public Business. Any obstruction which he might seem to the House to have committed had happened after half-past 12, when he thought Business of importance should cease. With regard to the report which purported to give an abstract of a lecture delivered by him on June 17, he wished to say that he had not intended to use words, nor did he think he had used words, calculated to give any offence either

to the Speaker or to any hon. Member of that House; but, now that he saw the interpretation which had been put upon part of his observations by certain hon. Members of the House, he had only to express his regret that he should have made any allusion to the Speaker capable of misconstruction, for he certainly had not intended to say anything offensive to the right hon. Gentleman, or hurtful to the feelings of any individual Member of that House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think no one can have sat in this House for a length of time without observing that the House is always ready to accept in a generous spirit any explanations of remarks of a personal character which are made by any of its Members upon matters that have occasioned difficulty among us, especially when those remarks have reference to speeches or observations made by hon. Members outside the walls of the House, and reported, as they generally are, in a condensed, and possibly not altogether an accurate, form in the public Press. Therefore, although it is impossible not to feel that the hon. Member for Leominster (Mr. Blake) was justified, and deserved the thanks of this House, in taking notice of the report of words used by the hon. Member for Meath (Mr. Parnell)—words which, I am bound to say, we all lament, and which it would certainly have been better not to use—yet we must at the same time feel, after what the hon. Member has now said, that it is desirable we should let this matter drop, and that we should ask the hon. Member for Leominster not to take any further steps with regard to it. We cannot doubt that the hon. Member for Meath, although there may be two opinions as to his mode of promoting Business—we cannot deny that he has continually taken exception to proceeding with Business at a late hour, and he has always given the reasons which he now states. We may differ as to whether he has always taken the best course; but as to his motives, we have no right to ask anything beyond that which he has always avowed in the House, and which he now affirms. I hope that after what the hon. Member has said, the House will accept his apology and rest satisfied.

MR. GLADSTONE: As one of the Members who has held a seat longest in

this House, I may perhaps be permitted by the indulgence of the House to express my entire concurrence in the very considerate and equitable observations which have just been made by my right hon. Friend opposite. I am quite convinced that in adopting that tone he is taking the course by far the most politic in reference to the peculiar class of difficulties with which he has had to contend, and I wish to express my great satisfaction at the fact that we have heard to-day the explanation of the hon. Member for Meath. I will express that satisfaction with one remark, and I hope that single remark will be excused. It appears to me that if any hon. Member of this House is so ill-advised on any occasion as to utter disparaging remarks outside the walls of this House in regard to the House itself, the House is so strong that, in my opinion, it can afford very well, if it thinks fit, to pass by remarks of that description. But, Sir, there is one thing we neither can afford to do, nor ought we to desire to afford to do, and that is, we cannot, in my opinion, tolerate any attack, direct or indirect, on the conduct of our Speaker. By "Speaker" I do not mean the present Speaker, but the Speaker as such and as known to the House. His conduct is liable to be challenged in the House; and if it is challenged anywhere, it ought to be challenged in the House. The very best Speaker that ever sat in that Chair—and, happily, it is hardly necessary to draw a comparison between one Speaker and another—cannot possibly be known outside the House as he is known within it; and, therefore, any assault or attack upon the Speaker outside the House never can carry with it its own cure, while an attack within the House ought to carry its own cure. On every occasion my feeling would be one of great leniency on the part of the House with regard to attacks upon itself; but in regard to remarks upon the Chair and on the impartiality of the Speaker in the administration of his high functions, I hope that such remarks as these will always be followed with vigilance and jealousy by the House, and that no disposition will be shown to tolerate any offence which may be committed in that direction.

MR. BLAKE said, he had heard with great and unfeigned pleasure the state-

ment of the hon. Member for Meath. He had never performed a more painful duty than that of drawing the attention of the House to the words used by the hon. Member. He felt it his duty to do this, because he knew that the hon. Member's attention had been drawn privately to these words, and he had failed to hear any expression of regret fall from the hon. Member in that House with regard to them. He wished, with the indulgence of the House, to explain why it was he took this step. Between 5 and 6 o'clock on Tuesday morning last, when most hon. Members were thoroughly wearied in consequence of the House sitting so late, and when other hon. Members were leading them round the Lobbies so many times in order, as was now explained, to facilitate Public Business, he regarded that conduct as a commentary on the speeches of the hon. Member for Meath, as reported in *The Times* and *The Daily Telegraph*. One of these was delivered in a school-room attached to the Italian Church. He stated the substance of those speeches as nearly as he could from memory, and on being challenged to produce the words, a noble Lord opposite was good enough to supply him with a cutting of *The Times* containing the speech at Hatton Garden, which, by permission of the Chairman, he read to the House. That hon. Gentleman, after listening for some time, stopped it, with the intimation that it should be brought before the Speaker and the House. He (Mr. Blake) then attempted to put a Question as to the truthfulness of the reports, but was stopped on the ground that the Question was out of Order, and he was therefore obliged to give Notice that he would bring it forward as a matter of Privilege, and therefore he had no alternative but to put his Notice of Motion on the Paper. That Motion he now wished to withdraw, and he hoped what had occurred would not be lost on other hon. Members. He had seen the report of a meeting held on Wednesday last, at which reference was made to trials of physical strength. [*Cries of "Order!"*]

MR. SPEAKER intimated that the hon. Member was out of Order in referring to that subject.

MR. BLAKE then repeated he would withdraw the Motion of which he had given Notice.

MR. BIGGAR: I should not have risen but for one observation which fell from the right hon. Gentleman the Member for Greenwich, who has formed an opinion from an imperfect report. I was present when the speech complained of was delivered, and it did not strike me at the time, hearing the exact words used, that my hon. Friend did speak disrespectfully of the Speaker. As to the other issue, I do not offer any opinion; but so far as the speech referred to the Speaker of this House, I did not think then, and I do not think now, that my hon. Friend did speak disrespectfully, or that he intended to do so.

ORDERS OF THE DAY.

—:O:—

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

NAVY—NAVAL EDUCATION—H.M.S. "INFLEXIBLE."

OBSERVATIONS. RESOLUTION.

MR. T. BRASSEY, in rising to call attention to the course of study pursued at the Naval University at Greenwich, said, that the education of naval officers, although a less sensational topic than other controversies connected with the Navy, was a question of the utmost importance. Some years ago he had invited the attention of the House to the Report of the Committee on the higher education of naval officers, and he had never ceased to watch the Naval University at Greenwich with the deepest interest. While admitting that the resources of that University had in the main been well applied, the recent Report of the Committee, appointed by the Admiralty to inquire into the organization of the College, suggested some doubts as to whether the studies of half-pay officers, who were voluntary students, had been in all cases judiciously chosen. There was reason to apprehend that the Naval University had failed to remove one most serious defect in naval education. He referred to that essentially important subject for naval officers, a knowledge

of foreign languages. There was a two-fold object in the establishment of the College — first, to increase the technical knowledge and skill of officers; and, secondly, to cultivate their general intelligence. Such being the objects, the question was whether there was not some reason to apprehend, from the Report of the Committee, that the study of mathematics had been too rigorously insisted upon. In the words of the Committee of Inquiry—"The back-bone of the instruction at the Naval College consists of mathematics." The Committee did not depreciate the importance of mathematics as the foundation of many branches of study essential to a naval officer, but they were of opinion that only a limited knowledge was necessary for the effective performance of the technical duties of a seaman, and for the practical application of those branches of physics and applied mechanics, which most immediately concerned his profession. Few books could be more useful to a naval officer than *Arnott's Physics*, and it was a work which could be mastered without mathematics. To the scientific artillerist and shipbuilder, or to understand the theory as distinguished from the practice of navigation, mathematics were essential, but they would do nothing to supply quickness of eye to the pilot, or fertility of resource to the seaman. He would like to refer to some remarks on this subject made by Professor Faraday in giving evidence before the Public Schools Commission—

"I should like," he said, "a profound scholar to indicate to me what he understands by the training of the mind in a literary sense, including mathematics? What does the mind learn by that training? Does it learn that which enables a man to give a reason in natural things for an effect which happens from certain causes, or why in any emergency or event he does or should do this, that, or the other? It does not suggest the least thing in these matters."

He need not pursue the subject further. No doubt mathematics were of special value to naval officers and would form the groundwork of any complete course of naval education; but in the case of half-pay officers, the time at their disposal at Greenwich was not sufficient for a complete course of training, and if their limited time were too largely occupied with mathematics, there would be reason to fear that subjects of more practical importance would be neglected. The students at the College were not

idle. Captain Curme informed the Committee that he studied 10 hours a-day. Yet, notwithstanding their assiduity, the officers had no time at their disposal for many valuable subjects. One lieutenant stated in evidence that—

"The lectures on physics were so few that he could not possibly have got his first-class certificate in them, or in winds and currents, if he had not availed himself of private tuition. For the last month there was an extra lecture on steam, from four to five o'clock, twice a-week. If he had had the same in physics it would have made a great deal of difference. Moreover, on winds and currents, there was no lecture during the last two months he was there."

Experimental physics, practical mechanics, modern languages, and International Law were recommended by the Committee as alternative subjects of equal value with the higher mathematics. In making this recommendation the Committee had said—

"We wish to guard ourselves against approving a course of study which should be chosen simply because it was easier."

Whatever the subject selected by the candidate, they recommended that the standard of examination should be such as implied in the student both diligence and aptitude. The reasons why so much importance—he might say undue importance—was given to the mathematical studies of the senior officers at Greenwich were not far to seek. Prior to the establishment of the Naval College, mathematics was the only subject, not strictly of a professional character, which was systematically taught in the Navy. The consequence was that the majority of the superior officers, who distinguished themselves by their scholastic attainments, were mathematicians, and they naturally attached special value to the subject in which they were themselves most proficient. There was a tendency generally, in educational matters, to get into a groove. This tendency was specially pointed out in the Report of the Public Schools Commission. As they justly observed, a master could only teach those branches of knowledge in which he had himself been instructed; and it was only natural that he should attach the highest importance to those studies, in which he was himself proficient. Following the opinion of the recent Greenwich Committee, he would urge that the course of study for commanders and captains should be varied, and that they

should be allowed to make their own choice of studies from among the various subjects which were recognized at the College. They should be examined periodically, and as a further guarantee for their diligence and discipline they should be placed on full pay so long as they were permitted to reside at the College. The Committee on higher education were of opinion that the study of French was of particular importance, and they further recommended that opportunities should be afforded for learning German. The attention of the Committee had been specially directed to this subject by several most competent witnesses. They examined Colonel Williams, who had been for five years Instructor in Fortification at the Royal Naval College, and who told them that ignorance of French and German was the thing from which our naval service suffered more than anything else. Commander Wharton, who had obtained the Beaufort testimonial, went so far to say that French was a far more useful subject for the average naval officer to study than mechanics. Passing to the evidence collected by the recent Committee on the Naval College, he might refer to the evidence of Captain Curme, an officer who had passed successfully through a course at Greenwich, and who expressed himself as follows:—

"There is no one thing in which most of us feel our deficiency more than in the fact that so few of us are linguists. I am sorry to say that frequently a foreign officer comes on board one of our ships and it is rare to find anybody that can talk to him."

If he were allowed to refer to information obtained from private sources, the House would be surprised to know how deficient naval officers were in the knowledge of languages. In time of war the knowledge of languages was, as a matter of course, still more essential. The advantages of a knowledge of languages to a naval officer in a high command were never more conspicuously illustrated than in the operations of the combined fleets off Carthage. The consultations with the Admirals in command of the combined squadron, and the negotiations with the leaders of the Intransigentes required the constant use of many languages. The success achieved by Sir Hastings Yelverton in sustaining the honour and authority of England, without resorting

to open hostilities, was due not only to the tact, which he displayed, but to his rare facilities for carrying on a personal intercourse in many languages. Was it not reasonable to infer that many little wars might have been prevented by a timely explanation in the language understood by the enemy? In short, the study of languages was obviously so essential to the efficiency of the Navy that the sole question was as to how it could be most effectually encouraged. The only direct step which had hitherto been taken by the Admiralty had been to issue a Circular, in July, 1874, inviting candidates to offer themselves for examination in French, Spanish, German, Italian, and Portuguese. The names of successful candidates were to be noted for employment in flag and senior officer's ships, as Interpreters of the First or Second Class. When so appointed, those of the First Class were to receive an allowance of 2*s.* 6*d.* a-day, and those of the Second Class an allowance of 1*s.* 6*d.*, in addition to their pay. A reference to the Navy List showed that only three commanders and 10 lieutenants had passed the examination. This was a number obviously too small for the requirements of the Navy, and the inference might reasonably be drawn that further inducements were necessary. Admiral Shadwell's Committee had reported that it would be advantageous to the public service if, under suitable regulations, officers could be permitted to visit foreign countries for the purpose of studying the languages. They were to be placed on full pay and allowed harbour-service time if on their return they could pass the prescribed examination. As a further inducement to officers to qualify as interpreters, the Committee recommended that all officers who had successfully passed the required examinations should receive the extra allowance whenever they were placed on full pay. The Committee concluded their recommendations on the subject of foreign languages with a reference to the suggestions of Admiral Milne, who advised that on foreign stations, when in harbour, captains should be directed to obtain the services of French and drawing masters; and that some pecuniary aid should be given by the Admiralty to young officers in difficulty to pay such masters. He (Mr. Brassey) most earnestly recommended to the pre-

sent Admiralty the adoption of these suggestions. The English Navy was behind the Navies of all the other European Powers, except, perhaps, the French, in this most valuable attainment; and while the French were improving very much in this respect, and specially in their knowledge of English, he was assured that among the younger officers of our own Service there was even less disposition than formerly existed to apply themselves to this study. In the opinion of the responsible authorities at Greenwich, it was impossible to impart the requisite knowledge at the Naval University. It was in foreign countries that it could be most effectually acquired. Every naval officer ought to spend a portion of his half-pay abroad, until he had mastered at least one foreign language thoroughly. The strongest recommendations on this behalf had been made by the Committee on Naval Education, and by individual officers of the highest distinction. He ventured, therefore, to hope that the Admiralty would no longer hesitate to adopt the remedial measures required to supply the most serious educational deficiency of our Naval Service. In urging the subject of the revision of the course of study at Greenwich on the attention of the Admiralty, he wished to guard himself against being misunderstood. He was not an opponent, but, on the contrary, an advocate of a special mathematical training for the Navy. His remarks applied exclusively to the case of senior officers of the rank of captain or commander, who went to Greenwich for short periods as voluntary students, and who, he ventured to maintain, should be allowed a reasonable discretion in the choice of any branches of study, recognized and taught at the College, which they might desire to follow.

MR. E. J. REED rose to express his dissent from the observations of the hon. Member for Hastings (Mr. T. Brassey) on the study of mathematics, though he was quite at one with his hon. Friend as to the importance of a knowledge of modern languages. The hon. Gentleman had distinctly stated that only a limited knowledge of mathematics was necessary. He (Mr. Reed) was sorry to see that the study of that branch of science was openly discouraged in that House.

MR. T. BRASSEY said, the remarks to which reference was made were

Mr. T. Brassey

quoted from the Report of the Greenwich Committee.

Mr. E. J. REED said, that it was chiefly on account of that Report that he had risen to address the House. He advised the Admiralty to receive with great care the Report of that Committee. The connection which he himself had had with the Public Service had afforded him opportunities of observing, first, the great advantage enjoyed by naval officers who possessed a competent knowledge of mathematics; and, next, the great disadvantage which naval officers laboured under who had not that knowledge. It was not too much to say that throughout the whole Naval Service there was a want of extensive acquaintance with mathematics and nautical science, and that it suffered in consequence. For instance, the movements of ships under the helm were not at all thoroughly understood by many naval officers from want of mathematical knowledge. The hon. Gentleman had referred to the late Professor Faraday in support of his view. But it unfortunately happened that men generally undervalued that with which they were least acquainted, and those persons who were conversant with the works of Professor Faraday know that one of the greatest drawbacks to their value was Faraday's ignorance of mathematics, even in their elementary principles, and his inability to appreciate them. There were, no doubt, naval officers in every grade who were well acquainted with mathematics and with scientific principles; but they formed only a limited number, and we were entering upon a period when it was indispensable that naval officers should have mathematical knowledge at their fingers' ends. Every officer undertaking not only the command of a ship, but any responsible duties in connection with the ship, ought to be thoroughly acquainted with the mathematical principles on which the ship was regulated and in conformity with which he must handle her in times of danger. He was sorry to have to differ from the hon. Member who had rendered such good service to the Navy on different occasions; and he asked the Admiralty not lightly to yield to the pressure put upon them to discourage the study of mathematics. We recently had an example of the great necessity that existed for mathematical knowledge in naval matters. The Se-

cretary of the Admiralty invited hon. Members the other day to go to see a model of the *Inflexible*. Hon. Members went to see a model of the *Inflexible*, but they saw no such thing; they saw a shell, but there was not in it a single element which would determine the question at issue as to the distribution of the weights. Any naval officer trained in mathematics must know that that model differed in almost every particular from the ship itself, and that it threw no light on the solemn question at issue as regarded her stability, and that when such a model was placed before him, his ignorance, and not his knowledge, was presumed upon. All he could say was that the thing was adjusted according to what the Admiralty thought right and proper to look at. No doubt persons unacquainted with mathematics would be unable to see in what that model failed. As a further illustration he might mention that the *Inflexible* and many other ships depended for the way in which they should be managed on the manner in which water was let into certain compartments to balance other compartments, and mathematical knowledge was essential as a basis for all such proceedings.

Mr. MAC IVER said, he agreed with the view of the hon. Member for Hastings (Mr. Brassey) with regard to mathematics rather than that of the hon. Member for Pembroke (Mr. Reed), who seemed to set an undue value on theoretical, as distinguished from practical knowledge in the officers of the Navy. The latter was possessed in a greater degree by the officers in the Merchant Service in consequence of the actual knowledge and experience they acquired while being at sea. He maintained that though there were many good sailors and engineers in the Navy, there were far too many who at the pains of much study had acquired some share of book learning, but who yet failed in a knowledge of that which was absolutely necessary to those whose success in the Merchant Service depended upon the safe navigation of their vessels.

Mr. A. F. EGERTON said, his hon. Friend the Member for Hastings (Mr. Brassey) had stated that, in his opinion, there was too much study of mathematics at the Naval University, and too little study of modern languages and Inter-

national Law. For his own part, he was more inclined to agree with the hon. Member for Pembroke (Mr. Reed), that mathematics were really the foundation of Naval science, and that it was desirable that all Naval officers should have a competent knowledge of mathematics. There were only a limited number of hours in the day, and of days in the term, and it would be quite impossible within the time for many Naval officers to study modern languages with any effect. Many of the remarks of the hon. Member for Hastings, however, should receive attention; and if anything could be done to increase the time that could be devoted to the study of modern languages and International Law, he, individually, would be very much gratified. The hon. Gentleman had also recommended that the Naval officers with half-pay who attended the College should get a further inducement to pursue their studies by receiving full pay. Here, however, the financial objection arose. It was not without difficulty that they could make both ends meet, and he could hold out no hope that those officers should at present receive full pay. The matter, however, was deserving of attention, and he should endeavour to see whether further inducements of any kind could be held out with the view of increasing the number of officers who would qualify under the Admiralty Circular of 1874. Under it, only a few officers had qualified as interpreter; but he would be very glad to see whether something more could not be done to induce them to do so. The hon. Member for Pembroke had made a very grave imputation on the Constructive Department of the Admiralty, for his remarks meant that that department, in common with the Lords of the Admiralty, had exhibited a model of a ship which did not in the slightest degree represent it. Now, he had not the scientific reputation of the hon. Member; but he was speaking on the authority of the department, and he gave that statement of the hon. Gentleman the most distinct and unqualified contradiction.

MR. E. J. REED asked the hon. Gentleman, whether he was prepared to state on his own responsibility that the model in question was a model of the *Inflexible*?

MR. A. F. EGERTON said, most decidedly and emphatically it was. He

had seen Mr. Barnaby, and asked him whether the model of the *Inflexible* represented the ship, first intact, and then in certain conditions, and Mr. Barnaby said it did. He had no reason to doubt that statement. The model had not been prepared for this special occasion. It had been prepared long ago for the Admiralty, and submitted to the Admiralty as a model of the ship. He thought the hon. Gentleman might trust to the honour of the Constructors' Department that they would not present as a model what was not a model of the ship. It was almost incredible that persons in their position, with their eyes open, should endeavour to mislead their masters, the Lords of the Admiralty, and that was what the hon. Member said they had done. He affirmed that the model was a model of the *Inflexible* as she floated in dock, and nothing else. Of course, she had not got her engines in, and they were not distributed as they would be. But that was represented by a weight put into the ship for the purpose of representing her engines. That weight was placed so as to stand where the centre of gravity would be. The hon. Member for the Tower Hamlets (Mr. Samuda) would corroborate him. If the House believed the hon. Member for Pembroke, they must believe not only that the Constructor's Department, but that the Lords of the Admiralty, had set themselves to deceive the House. That was an accusation which was not true, and which never ought to have been made. The hon. Gentleman forced him to speak of his (Mr. Reed's) authority. He had the highest respect for the authority of the hon. Gentleman, but had the hon. Gentleman never made mistakes? Mistakes made by the hon. Gentleman had been pointed out again and again. The hon. Gentleman was no more infallible than any other Constructor; and when he (Mr. Egerton) was forced to contrast the authority of the hon. Gentleman with that of his own Department, he must say he preferred the authority of his own. He was sorry he had been forced prematurely into this discussion in the absence of Papers which would shortly be on the Table of the House, and to which nothing had been added to make out a case. He thanked the House for having given him an opportunity for standing up for his own Department.

Mr. A. F. Egerton

Mr. E. J. REED said, the case was simply this—certain officials had made their own calculations, and the hon. Member opposite (Mr. Egerton) rose in his place with the view of influencing the minds of hon. Gentlemen as to the question at issue—

Mr. SPEAKER said, that the hon. Member was totally out of Order in the observations he was now making.

Mr. E. J. REED said, what he wished to state was that there was a question of calculation and a practical issue between the Admiralty and himself. He said that the model was no model. There was not a plate which represented anything in the ship. It was merely a model weighted with lead, and weighted in accordance with the calculations of the Admiralty Department.

Sir MASSEY LOPES said, the model had been made in 1876 for the information of the Admiralty before the ship was commenced, and had not been altered in the slightest respect from the time it had been made to the present.

Mr. E. J. REED said, that if he had been out of Order in having made any improper reflections on the Admiralty Department, he hoped the House would extend to the Admiralty a little of the same lesson when the Admiralty cast imputations upon him.

Sir CHARLES W. DILKE said, the view of his hon. Friend the Member for Pembroke appeared to be that the model in question, although not made for the purpose of influencing the House in the controversy as between the hon. Member and the Admiralty, was nevertheless exhibited for that purpose, and, though made years ago, it must have a certain effect on the minds of those who saw it. As he (Sir Charles W. Dilke) understood his hon. Friend, the model was weighted according to calculations which he disputed. The question between the hon. Member for Pembroke and the Admiralty was so grave, and it was so undesirable that it should be raised at any future time, that he hoped a Committee would be appointed to consider it.

Mr. GORST regarded the question between the hon. Member for Pembroke (Mr. Reed) and the Admiralty as a question of mathematics. It seemed to him that the model could not prove mathematically the stability of the ship—that could be proved only by an exact model of the ship, with the weight

distributed as on board the ship. It was admitted that this was not the case with the model, which was made many years ago, and not for the purpose of testing the stability of the ship. The engines were represented by a lump of lead, and every mathematician knew that that could not produce the same effect on the stability of the model as the engines and other weights that were distributed over the various parts of a ship. The question was very important, and it ought to be discussed as a scientific and mathematical one, without any imputation of motives one way or another. He did not understand the hon. Member for Pembroke to impute any motives to the Admiralty.

Mr. A. F. EGERTON desired to explain that the stability of a ship depended upon the centre of gravity, and the lead purported to show the centre of gravity. It did not follow because the engines were not there, that the centre of gravity was not indicated.

Mr. SAMUDA said, a piece of lead might accurately represent the result of all the weights in the ship, if the effect of all the weights in the ship, when taken collectively, resulted in the same effect on the ship as the piece of lead referred to in the position it was placed; and that was what was intended to be done, the simple question being whether it was done rightly. No doubt, it was intended that the model should be correct, and, if it were, the result was correct as far as the model was concerned.

LORD ESLINGTON said, there was an important question of fact, about which the two highest authorities were in conflict, and they ought to be brought face to face, because the construction of our future fighting ships was involved. The *Ajax* and the *Agamemnon* were being built on the same principle, and a second *Agamemnon* was in view. When a controversy of this kind had arisen, and had been fomented by correspondence in the newspapers, it was due to the public who paid for the ships and themselves, and it would strengthen the hands of the Government itself, if some further mode was devised for ascertaining the rights and wrongs of this question. Suppose it should turn out afterwards that the Admiralty were in error; the Government which refused inquiry would be placed in a very awkward position.

MR. RYLANDS said, the question was, whether the Admiralty was to be regarded as infallible; and it had made too many mistakes in the past for that conclusion to be accepted. Wooden line-of-battle ships were added to the Navy, and millions expended upon them, after their uselessness had been established.

MR. D. JENKINS was reminded by this controversy of the discussion as to the construction of the *Captain*; and he thought it important that the disputed calculations should be cleared up to the satisfaction of the House and the country.

MR. BENTINCK said, that, in common with many other hon. Members, he had seen the model of the *Inflexible* exhibited in London, and while he acquitted the Admiralty of any intention to mislead, he contended that that model was utterly useless for the purpose for which it had been intended, inasmuch as it gave the uninitiated no clear idea of the principle on which the ship was constructed. In one of Her Majesty's Dockyards he had seen another model, much more carefully and elaborately worked out, and showing the principle on which the vessel was defended. From that model it appeared that the head and stern—in other words, the unarmoured parts of the ship—could not be struck by a shot in a vital place unless the shot struck the ship six feet under water. [Mr. REED intimated dissent.] If that was a mistake, then the model had been constructed under a total misapprehension of the facts of the case. It was desirable that an early opportunity should be given for a discussion of the question. Whether a Committee should be appointed, or some other course should be taken, he did not pretend to say, but certainly not one moment should be lost in enabling the House and the country to come to a distinct conclusion as to whether the doubts raised by the hon. Member for the Pembroke Boroughs with regard to the stability of the vessel's powers of defence were or were not well founded.

MR. GOURLEY supported the proposal for a Committee, and was of opinion that there were hon. Members of the House competent to examine witnesses and to report on the subject. The primary difference of opinion had reference not so much to the stability of

the vessel itself, as to the stability of the citadel, in the event of the wooden portions of the ship being shot away.

CAPTAIN PIM, in rising to move—

"That it is inexpedient to build any more vessels of the 'Agamemnon' class until that type has been tried, and that the money proposed to be voted for such purpose be expended in building a vessel of war, with full sail power, capable of cruising and blockading under sail alone, but able to steam when necessary 300 miles in 24 hours, with a coal supply for seven days, and with an armament consisting of one armour piercing gun of the longest range, as well as Shrapnel and Gatling guns and torpedo apparatus,"

said, that, if in Order, he wished to add the following words to his Resolution:—"and that a Select Committee be appointed to enquire into the whole question."

MR. SPEAKER informed the hon. and gallant Member that the Motion for a Select Committee could not be put, as Notice had not been given of it, and the other part of the Motion affirmed a distinct proposition.

CAPTAIN PIM said, in that case, he would confine his remarks to the Motion before the House. A great deal had lately been said in the public Press about the *Inflexible* and her class of vessels, and hon. Members had been invited to inspect the model of the *Inflexible* at the Admiralty. He, for one, went to have a look at her and would tell the House what he saw. The official in charge offered to fill both ends to show her buoyancy; but he said that that was unnecessary, as the chances were that only one end would be riddled at a time. The fore part only was then filled at his request; but when he (Captain Pim) proposed to touch the model, the official interposed, and said that if he did so the model would capsize. That proved to be the case, for the moment he touched her she turned turtle, and was only saved from going to the bottom by the quickness of the man in charge; and he was confident that if the *Inflexible* was at all like the model she would go to the bottom in a similar manner. He thought it would be a monstrous thing to send a crew to sea in such a craft. He would just give the House a description of the *Inflexible*. The *Agamemnon* and *Ajax* were vessels of the same type, only smaller, being only 280 feet in length, by 66 feet beam, with a displacement of 8,492 tons, at an

estimated cost of £350,000 each; while the *Inflexible* would cost about £500,000, her length 320 feet by 75 feet beam, with a displacement of 11,406 tons. Her sides at the midship section or citadel were 42 inches thick, including 24 inches of armour, the bottom was flat, the outer skin plating from the armour shelf to the keel was composed of ordinary ship plates $\frac{5}{8}$ ths of an inch thick, doubled over 30 feet of the bow. This skin plating was rivetted to the frames which were formed of $\frac{1}{4}$ -inch plates, 3 feet 6 inches deep at the keel. They tapered gradually as they rose. The angle irons securing these frames to the skin were weak. The inner bottom rivetted on to the inner edge of these frames was composed of 7-16ths of an inch plates amidships and $\frac{3}{8}$ -inch plates at bow and stern. This thin, weak bottom had to support 3,150 tons of armour, the heavy boilers, machinery, guns, anchors, cables, and stores carried by the ship, and how any naval architect could call such a contrivance a ship he was at a loss to conceive. He did not wish to press his opinion alone upon the House, but would quote that of Admiral Sir Thomas Symonds, at present the Commander-in-Chief at Portsmouth, whose great experience no one could doubt. In answer to Question 1,158, before the Committee of Designs of Ships of War, he said—

"I should be afraid to go at any great speed at sea with them (the *Devastation* class); I think they are too low. I am afraid of the low, free-boarded ships. I have seen very heavy seas and know no limit to their power." Question 1,159—"If steaming you are obliged to go at a certain speed, or you drown yourself." Question 1,161—"I think it depends upon the ship herself being of a proper height, whether she is smothered or not by the sea." Question 1,163—"All I know is that so far as I am myself concerned, I should be very sorry to be in one of those vessels." Question 1,167—"I have no affection for those low, free-boarded vessels. I am positively afraid of them."

He thought he had said enough to show that it was inexpedient to build any more vessels of such a useless type as the *Inflexible* or *Devastation*, or any of the class. They were worthless as coast defenders, and for distant service out of the question. With respect to the other part of his Motion, he could only say that two gunboats such as described in that Motion, properly handled, would destroy any iron-clad in the world. Why

the Admiralty persisted in building these large, costly, unwieldy, and easily destructible vessels he was at a loss to understand, especially when some 20 gunboats such as described could be built for the price of one *Inflexible*. Every sailor knew what small craft could do; their value was traditional in the Service from the earliest times. What did our small, light, nimble ships do against the Spanish Armada, and every reader of naval history must remember the action of the *Fan-Fan* and *Spy* gunboats against De Witt's large flag-ship. In fact, he did not believe that there could be the smallest difficulty in finding plenty of officers in the Navy who, with a couple of gunboats would make short work with Her Majesty's ship *Inflexible* and any of her class. He would not press his Motion to a division; but he did trust the Admiralty would take to heart the facts he had mentioned.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to build any more vessels of the 'Agamemnon' class until that type has been tried, and that the money proposed to be voted for such purpose be expended in building a vessel of war with full sail power, capable of cruising and blockading under sail alone, but able to steam when necessary 300 miles in 24 hours, with a coal supply for 7 days, and with an armament consisting of one armour piercing gun of the longest range, as well as Shrapnel and Gatling guns and torpedo apparatus,"—
(Captain Pim.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. E. J. REED said, he was glad the hon. and gallant Member for Gravesend could not move for a Select Committee, because, from the moment the Government undertook to produce the Papers showing the grounds on which they were led to place reliance on the *Inflexible*, it was, in his opinion, desirable that no further steps in the matter should be taken until those Papers should have been duly considered and the facts of the case were fully before the House. He was glad the hon. and gallant Member had brought the question before the House. Personally, he (Mr. Reed) had painful experience of the penalties one had to undergo for bringing ques-

tions of this kind before the attention of Parliament. In this case, it was clear, after what had fallen from the Secretary to the Admiralty, that he (Mr. Reed) was about to be exposed to the penalty of having his professional character placed in jeopardy because of the statements he had made as to the stability of the *Inflexible*. He could not help, at the same time, observing that it was very easy in those cases to cherish and act upon a false confidence. The hon. Gentleman the Secretary to the Admiralty had taunted him (Mr. Reed) with the mistakes he had committed when in office; and in connection with the point, he would ask the permission of the House to advert to a single fact—he did so in no spirit of retaliation—and that was, that during recent times we had a ship which had capsized from want of stability, and that one, at any rate, of the officers who were responsible for the *Inflexible*, and who were said to be superior in authority to himself, had prepared a Report on the stability of the *Captain*, in which it was stated that she would be safe, even when her ends had been fully penetrated; yet a few days after that the *Captain* capsized, and 600 men were lost. That was his reason for speaking of the *Inflexible*, and, notwithstanding these attacks, he should still press for inquiry, for he had no personal object to serve. All he wanted was that the truth might be known, and he would withdraw all he had said, if the Admiralty Papers did not bear out his assertions. As for the Amendment, he could not feel that they were in a satisfactory position, because they had had no opportunity of discussing the proper kind of ship to be built, and had passed a Vote which involved the construction of another large ship of a kind the safety and utility of which had been called in question. The Government, he thought, had been rather high-handed in the matter, and they should have given more attention to the whole question. He much deplored the attitude they had taken, and was sure that the construction of small ships instead of large ones would be publicly urged. They had better reconsider that question, and not put the House of Commons in such a position that they would be debarred from discussing the question for another year. At any rate, a Select Committee might have been appointed; for, though he did

not doubt the competence of the Admiralty Board, its members were all at the head of departments, and could not give up their time to the matter. The Government, in his opinion, ought to reconsider the subject, or the House would next year take it into its own hands.

MR. DILLWYN said, that the hon. Member for Sunderland (Mr. Gourley) had already asked for a Select Committee; but he did not know to what decision the Government had come. He considered the matter one of very great importance, and now that it had been brought to the attention of the House, the House was bound to have it thoroughly investigated.

ADMIRAL EGERTON, while he approved of a full inquiry into the subject, was yet of opinion that the Motion was one the House could not adopt, as it dictated to the Admiralty not only what it should not do, but what it should do. By so doing they would be taking the responsibility from the Admiralty, and doing a very unwise thing. The question really was one of fact, which ought to admit of easy settlement, and he hoped that, considering the very general alarm as to the stability of the ship, there would be an inquiry into the state of the case. Instead of referring the matter to a Committee of the House, he would refer it to a Committee of scientific men.

MR. T. BRASSEY fully agreed with the observations of the hon. Member for Pembroke (Mr. Reed), that no Parliamentary action could be taken till the promised Papers were on the Table. Those Papers, he was sure, would not satisfy the country, unless they contained an independent Report approving the design of the ship. The situation was unprecedented in the history of naval construction, that an issue should be raised between two equally eminent naval architects, so that, on their disagreement, nothing but independent authority would satisfy the outside world. The country would probably insist on having independent opinion, and the organization of the Admiralty could not be perfect if the eminent men who designed ships were also the sole judges of their merits. He very much wished that the duty of initiating designs and their final approval were not altogether in the hands of the Admiralty. He was very grateful

Mr. E. J. Reed

Pembroke for urging upon the Government the necessity for re-considering the dimensions of our ships of war. The torpedo and the ram being now acknowledged to be the most destructive weapons of naval warfare, it seemed most absurd to put all our eggs into one basket.

THE CHANCELLOR OF THE EXCHEQUER said, he could not help feeling that the House was discussing the question under a double disadvantage. In the first place, his right hon. Friend the First Lord of the Admiralty was unfortunately absent; and, in the second place, the Papers which had been ordered, prepared, and which were nearly, if not quite, ready, had not yet been distributed amongst hon. Members. However, there were one or two observations which it was possible for himself to make, although he was really ignorant of the details of this question. He would state at once that he could not adopt the suggestion thrown out by his hon. and gallant Friend (Captain Pim), and which he would have embodied in his Amendment if it had been within the Rules of the House to do so without Notice—namely, to refer this question to a Select Committee. The Government would have a strong and decided objection to take that course; and he thought that, on reflection, the House would itself feel that that was not the way in which such matters should be dealt with. In point of fact, they proceeded on the principle of entrusting to a Department of the Government the duty of constructing vessels, and if the House appointed a Select Committee, however distinguished its Members might be, to examine and report on, and either confirm or overthrow, the decisions of that Department, they would weaken and destroy the responsibility which at present attached to the Admiralty on the part of the Government, and take on themselves a responsibility for which the House were hardly prepared. On these matters they had a right to call the Government to account if anything went wrong; and they would deprive themselves of that right by putting their *imprimatur* on the action of a Committee. On the other hand, they would subject the Public Service to great inconvenience by an inquiry conducted by persons who, however distinguished, would not possess the advan-

tage which a Government Department would have in conducting it. Now, it was undoubtedly the function of the House to criticize the proceedings of the Government, and when a Gentleman of the great experience and high professional standing of the hon. Member for Pembroke called attention to such a subject as this, it was obviously the duty of the Government carefully to consider the observations he made. He could say, on the part of the Government, that while, on the one hand, he thought it absolutely impossible to agree to the appointment of a Select Committee, it would, on the other, be quite right that they should consider among themselves the observations that had been made. The matter should receive the careful consideration of the Government. What steps they might think it right to take after they had fully considered it, he could hardly venture at the present moment to foretell; but they were fully sensible of the great responsibility that rested on them, and, whatever was done, there would be no deficiency on their part as regarded an earnest desire to take the right course.

MR. NORWOOD, while agreeing with the right hon. Gentleman, that it was impossible to discuss the question with advantage in the absence of the promised Papers, was strongly of opinion that it should be referred to a Select Committee. It was a most important matter from every point of view in which it might be regarded. The question had been raised in a most deliberate and direct manner, and the opinion of the hon. Member for Pembroke (Mr. Reed), whether correct or not, could not be ignored. The House was not competent to pronounce an opinion without further information; but the allegations having been made deliberately, and without any reservation whatever, it was their bounden duty to ascertain the grounds on which the charge rested. He admitted that it would be difficult to find among the Members of the House a sufficient number of hon. Gentlemen possessed of scientific, or professional knowledge in respect to shipbuilding to form a Committee; but they could easily obtain a Committee by the addition of hon. Gentlemen of plain common sense who would be able to form a sound opinion upon the evidence which might be offered to them.

MR. BENTINCK believed that all these doubts and discussions arose from the circumstance that neither the House nor the country had confidence in the Board of Admiralty. For himself, he regarded the present constitution of that Board as a practical absurdity. If they had any confidence in its construction, these doubts and discussions would not arise. He went further than the hon. Member for Hastings (Mr. Brassey) as to the absurdity of putting all our eggs in one basket. He maintained that a man-of-war which could not be handled and make her passage to any part of the world under canvas and independently of her machinery was not an available ship in time of war. His strong conviction was, looking to the aspect of European affairs and the present position of the British Navy, that, so far as they knew the intentions of the Government with the view of augmenting the strength of the Navy—they were not equal to the exigencies and requirements of the country.

MR. SAMUDA said, he had great sympathy especially with the first part of the Motion now before the House for suspending the building of ships of the *Inflexible* type. When it was proposed originally to build the *Inflexible* he stated the opinion he then held—that it was altogether a retrograde movement and a very great mistake. To that opinion he still adhered, whether the question of stability was right or wrong. From the beginning, our object had been, in the construction of our iron-clads to cover the whole water-line with armour. But the Committee of Design thought fit to propose to do away with side armour, and build up a central citadel; and when that design was accepted by the Admiralty, a great step backward had been taken in the construction of our iron-clads. It was a radical mistake. He believed the best thing that could now be done with the *Inflexible* would be to get rid of the 900 tons of coal she was constructed to carry in her unarmoured ends and substitute 900 tons of armour, with which her two ends should be protected. He would strongly press on the Government the necessity of not committing themselves to the building of a new ship of the *Inflexible* class at present.

SIR JOHN HAY said, he was sorry to hear from his right hon. Friend the

Chancellor of the Exchequer that it was not intended to have a Commission to consider the condition of the *Inflexible*. In regard to the particular question raised by the hon. Member for Pembroke (Mr. Reed), he thought not only that it would be improper to build other vessels on the plan of the *Inflexible*, but that the construction of that ship herself should not be proceeded with until an inquiry had shown that she possessed sufficient stability and buoyancy. In his opinion a Committee of that House was the proper authority to examine into this question, as they had already voted £500,000 for this ship, and were now asked to vote sums for constructing other vessels of a similar character, and which might possess similar defects. It would, however, be unfair to the Admiralty for hon. Members to discuss this subject and to take a division without having before them those Papers which it was necessary to see before they came to a definite decision on the subject.

MR. RYLANDS remarked that anyone who searched the records of the House for the last 30 or 40 years would find that most important questions relating to the administration of public Departments used formerly to be referred to Committees of the House. Questions of administration ought to be referred to Select Committees, in order that the House might keep its hold on the various important matters which from time to time came before it. Latterly, however, we had been drifting in a totally opposite direction, and many questions, instead of being referred to Select Committees of that House, were considered by Departmental Committees, in which permanent servants of the Crown occupied leading positions. If the House wished to control the expenditure of the country, it must not allow the inquiries to pass out of its hands into those of the servants of the Crown engaged in the great spending Departments. He appealed to the Chancellor of the Exchequer to give them two assurances—first, that no step should be taken with regard to the new *Agamemnon* until next year; and, secondly, that he would re-consider his decision concerning the *Inflexible*.

CAPTAIN PRICE joined in the appeal which so many hon. Members had made to the Government to institute some inquiry into the *Inflexible*. He could not

see any harm in such an inquiry. Indeed, he believed great good, generally speaking, would result from it, both as regarded the stability and rolling of their iron-clad fleet. They were now assured that the model of the *Inflexible* had not been made for the occasion; and it was desirable that it should be ascertained whether it was made as models usually are, and whether a perfect model ever was made for such purposes. The building of vessels like the *Inflexible* ought to be stopped until the matter had been investigated, and if the Amendment was pressed to a division he should vote for it.

SIR ANDREW LUSK said, they were asked to appoint a Committee, because the experts did not agree. In his experience as a magistrate he had never known two scientific experts to agree, and he always found that he was left to draw the best conclusions he could from the rival evidence. He did not think the House ought to be called upon to undo the work of years, simply because a difference of opinion between professional men occurred upon one particular point. The responsibility was with the Admiralty, and it ought to be allowed to remain there.

MR. MAC IVER said, he could imagine no good coming from the appointment of the Committee; but as public interest had been so much aroused on this matter, he thought it would be an excellent thing when the *Inflexible* was completed that the hon. Member for Pembroke should have the opportunity of capsizing the ship if he could.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put.

THE MEDITERRANEAN FLEET— BESIKA BAY.—OBSERVATIONS.

MR. GOURLEY, who had the following Notice on the Paper:—

"To call attention to the fact of the Mediterranean Fleet having been ordered to Besika Bay, and to inquire of Her Majesty's Government the names and type of ships, and why they have been sent there in place of to Egypt; and, further, to inquire the number and description of ships composing the Channel and North Sea Squadrons, and nature of the manœuvres in which it is intended to exercise the officers and men of the several squadrons."

rose to address the Chair, when—

MR. SPEAKER said, the hon. Member was out of Order, inasmuch as he had already spoken on the Question that he do leave the Chair.

SIR WILFRID LAWSON said, as his hon. Friend (Mr. Gourley) was out of Order, he wished to take the opportunity of making a few observations upon the question. The House had been for three hours and a-half discussing the question of the construction of ships of war; but what he wanted to know was, what these ships were for? Before voting money to be expended on the Navy, he thought it as well to know what the Government intended doing with the ships. He should like to know why, in this crisis of affairs, the Government had thought it right to alarm Europe by ordering the Fleet to Besika Bay? He thought it would have been well if, before doing that, the Government had taken the House a little more into its confidence. [Admiral Sir WILLIAM EDMONSTONE: No, no!] The hon. and gallant Admiral said "No;" but, perhaps, he would admit that there was at least some argument on the other side. He (Sir Wilfrid Lawson) was not one of those who had been very hostile to the past policy of the Government; indeed, he had separated himself from many of his hon. Friends on that point. He honestly confessed he had seen very little to find fault with in the manner in which they had conducted the foreign policy of the country. When he saw the Blue Book at the commencement of the Session, he felt that there was nothing shown in those Papers which he should wish to find fault with. Indeed, he felt that the Opposition could not make out a case against the Government. As matters went on, the House and the country had become more and more re-assured—a result to which the recent speeches of Lord Salisbury, the Secretary of State for War, and the Secretary of State for the Home Department had greatly contributed. Nothing, indeed, could have been better than the speech of Lord Salisbury, in which he warned the country not to fight against a nightmare, and in which he sought to dissipate the absurd notion of those who were frightened by the progress of Russia, by advising them to consult a large map. After that speech, he felt more than ever re-assured, and his confidence in the Government had become

greater than it had been before. Well, after all that had taken place, he thought it was a most unfortunate time to arouse new anxiety by the removal of the Fleet, even for better anchorage, to Besika Bay. He was alarmed chiefly for this reason—that the movements of the Fleet had been the weak part of the foreign policy of the Government all along. When last year they sent it to Besika Bay, they took credit for the step being supposed to be an indication that they were favourable to the cause of the Turks; but the country was much relieved by the assurance of Lord Derby, in answer to a deputation, that it had been despatched there solely for the purpose of protecting the Christian population. What, however, happened later on? The Fleet was ordered away from Besika Bay by Lord Salisbury during the progress of the Conference, in order that the Turks might not by its presence be induced to place undue reliance on the assistance of England, so that there were three versions given at the time to account for the position of the Fleet. That being so, there might be some other reason now for its having been ordered to Besika Bay besides that which had been assigned. It was, it appeared, sent there now, because Besika Bay was a better place for anchorage than where it was stationed a few weeks ago. But even so, it was, he thought, an unfortunate proceeding on the part of the Government to order it there, because in the present disturbed state of Europe it was most dangerous to do anything which might be misinterpreted, and because it would produce the impression that something more was meant by the step than the Chancellor of the Exchequer seemed to imply. It might be supposed, as it seemed to him, that it was a hint, or a warning, or a threat to one or other of the contending Powers. His opinion was, that if we were to attempt anything of that sort we might, in spite of ourselves, become parties to some extent in the conflict now going on. But it was said that the Government had no regard in the course which they pursued in reference to the Eastern Question to anything but British interests. Well, British interests were the interests of justice and freedom and humanity all over the world; and if it was not for the purpose of protecting interests of that kind, it was, he could not help

thinking, a great pity that the Fleet had been moved at all, especially if, as a consequence, great uneasiness was created. He had deemed it right, speaking for nobody but himself, to make these few remarks, and although he did not wish the Chancellor of the Exchequer to reply to them, should he think that to do so would not be conducive to the interests of peace, he could not refrain from expressing his regret at what had occurred. In conclusion, he would merely express a hope that the Government would adhere to a policy of strict neutrality, which he believed to be the wisest for the country, and the best calculated to secure the approbation of the people.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am afraid from one remark which fell from the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) that the answer which I gave a little while ago may have been misunderstood. I think he spoke of my having given as a reason why the Fleet has been sent to Besika, that it afforded good anchorage. I did not, however, say anything about good anchorage. I said that the reason why it was sent there was, that the situation is a convenient and central one for the purpose of communication between our Ambassador at the Porte on the one hand, and the British Government at home on the other. I am sorry, I may add, that it should be supposed that there is anything in that answer, or in the action which the Government have taken, which should be open to such an observation as the hon. Baronet made about alarming Europe by a step which might be taken as a hint, or a warning, or a threat, by either of the parties to the war. That, it appears to me, is a very unnecessary construction to put upon the course which we have adopted. It would not, I think, be convenient at the present moment to enter into a general discussion of our foreign policy. I would, however, say this much—We spent a fortnight a few weeks ago in discussing fully the position of affairs and explaining the policy of the Government, and we have since laid on the Table despatches in which that policy is set forth in the most distinct manner in communications of a diplomatic character. There is, therefore, no need now for further explanation in the matter.

Sir Wilfrid Lawson

Nobody who reads those despatches carefully, and also the language used by Ministers in the course of the debate to which I have just referred, can, it seems to me, refuse to admit at least this—that we have stated our views and intentions with as much clearness and minuteness as has ever been done in any diplomatic despatches with respect to the war which is now going on. With regard to the war now going on, our policy has been to maintain the principle of strict neutrality. We have also said that we will take due cognizance of the maintenance and protection of British interests. We have gone even beyond the enunciation of the doctrine, which might be looked upon as a truism, of regard for British interests, by specifying, with a detail for which I find no precedent in similar circumstances, the particular points which we considered those interests to embrace. In discharging the duty which rests upon us we have, I believe, been supported by the confidence of the country. I do not think it would serve any good purpose now to enter into a general debate on this question, and I hope, therefore, the House will allow us, after the long discussion we have had, to go into Committee.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £193,890, Admiralty Office.

(2.) £207,900, Coast Guard Service and Royal Naval Reserves, &c.

LORD ESLINGTON took occasion, while regretting the absence of the right hon. Gentleman the First Lord of the Admiralty and its cause, to express his dissatisfaction with the present state of the Naval Reserve, observing that he did not believe it was placed upon such a footing that we could rely on it in a case of sudden emergency. The subject, had, however, he admitted, received more attention from the present Head of the Admiralty than from any of his Predecessors in office, and, as he was not able

to be in the House, he would content himself with giving Notice that he would bring the question before the House on a future occasion.

SIR ANDREW LUSK pursued a similar course. He had much to notice about the Naval Reserve; but as the First Lord's illness, which they all so much regretted, prevented his attendance, he would say no more on the subject. He would like, however, to know the present number?

MR. A. F. EGERTON said, the number of the Naval Reserve was 17,217, of whom a little over 13,000 were in the First Class.

CAPTAIN PIM said, that he had a Notice on the Paper to move the reduction of the Vote by the sum of £151,700, being the amount to be devoted for providing for 17,000 men of that Force, but that he would not press his Motion to a division in the absence of his right hon. Friend the First Lord of the Admiralty, although he felt it his duty to explain his reasons for wishing to move the reduction of the Vote. In the first place, the Royal Naval Reserve existed only on paper, every available British seaman was enrolled, and the total number reached, say, 13,000 men, as shown in the Report of the Admiral lately in command of that contingent, in the following words:—

"It would appear that we possess nearly all the A.B.'s in the Mercantile Marine that comply with the conditions laid down. The number floats between 12,000 and 13,000 men, and the entries about keep pace with the discharges."

Now, what did this mean? Why, that in the British Mercantile Marine, which consisted of some 25,000 ships and 200,000 men, at least, there were only 13,000 real British seamen employed, the rest being foreigners and riff-raff of the worst description. In the event of war, the Mercantile Marine would be almost of as much importance to the nation as the Royal Navy, and must be largely employed to lay out coal for our war-ships, and bring back grain for our own consumption. The foreign element in the crews could not be depended upon, and therefore the Government dared not take any of these 13,000 men out of the merchant ships in which they were serving. Practically, for this reason, there was no Naval Reserve, and to spend money upon it under this condition of affairs was a sheer waste. Our

so-called Royal Naval Reserve was a sham and a delusion.

MR. T. BRASSEY expressed approval of the course taken by the Admiralty in encouraging the committees of training ships in their efforts to prepare boys for the Navy. With regard to the Naval Artillery Volunteers, he hoped that whenever a complete brigade of them should have been formed, the Admiralty would entertain the question of increasing the very small emoluments of the officers instructing the brigade.

CAPTAIN PRICE wished to know whether there were any stokers in the Naval Reserve? He had understood that there were none, and he thought that the question was important. It was, as he knew, constantly the practice to send men from the deck to act as stokers, and that was obviously not the proper way of supplying a deficiency. Their duties were most important, and required close attention to make them efficient. He would like to mention the seamen of the Marine Pensioners' Reserve. That Reserve had recently been started, in order that younger men might not be lost sight of, and various inducements were offered them; but there was a large class of men, such as artificers and police, who could not avail themselves of that Reserve, and he wished to know whether they could not be in any way organized. They deserved to be regarded as worthy of notice.

MR. GOURLEY said, he thought it desirable that the men of the Royal Naval Reserve should be brought together, say, at certain points of the coast, and accustomed to drill and thorough experience in the duties which they might be called upon to perform. What was wanted was a system under which 4,000 or 5,000 men could be sent out for practice once a-year, instead of as at present by dribblets; and he trusted that the Admiralty would call out the men for that purpose, and for inspection.

MR. MAC IVER approved of the training of boys for the Naval Service. He could not agree as to the sufficiency of the Mercantile Marine to furnish the Naval Reserve, as there were not so many able seamen in the Mercantile Marine as there should be.

MR. GOSCHEN hoped the Government would not embark on any new system of Reserve as regarded artificers

and stokers, who occupied a different position from that of the seamen. The whole system of Reserve was that of drilling men and preparing them in times of peace for the duties they would have to discharge in times of war, and its object was that the authorities might be able to lay their hands on the men when they were wanted; but it was one thing to have a Reserve of men whose duties were of a special kind and another to maintain a class of ordinary artificers whose duties were always the same, and who required no special drill. The Government, then, would merely throw money away if it adopted that scheme.

MR. RYLANDS was very sorry to hear the account of the Naval Reserve as given by the hon. and gallant Member for Gravesend; but he believed the tendency of modern appliances was to reduce the number of men required. Whatever arrangements were made for a Naval Reserve, they must contemplate that they could not put them on board the Fleet without great inconvenience to the trade of the country.

CAPTAIN PIM hoped the Government would encourage the Royal Naval Artillery Volunteers, by which means they would soon possess a real, and not a sham, Royal Naval Reserve. He would undertake to raise 30,000 Naval Volunteers within a twelvemonth, really effective men, always on the spot, and always ready for service, and who would cost less than half that number of so-called Reserves, not one-tenth of whom could be relied upon when wanted. Instead of the useless coast defenders we ought to have light draught fast gunboats, armed with the longest range guns and manned by the Naval Volunteers stationed round our coast. The nation would then be not only efficiently defended, but capable of taking the offensive in any part of the world on the shortest notice. He earnestly hoped that the Admiralty would give attention to this deeply important subject. It was impossible to speak too highly of the good qualities of the Royal Naval Artillery Volunteers, who, instead of numbering only 500 men, ought, and easily could be, made 50 times as strong.

Vote agreed to.

(3.) £109,002, Scientific Branch.

CAPTAIN PRICE referred to the large charge for clerks at Greenwich College.

Captain Pim

SIR MASSEY LOPES said, the Admiralty had acceded to the request of the Committee, and reduced the number.

Vote agreed to.

(4.) £76,930, Victualling Yards at Home and Abroad.

(5.) £66,150, Medical Establishments at Home and Abroad.

(6.) £21,316, Marine Divisions.

(7.) £78,010, Medicines and Medical Stores, &c.

(8.) £8,147, Martial Law and Law Charges.

(9.) £130,134, Miscellaneous Services.

(10.) £880,796, Half-Pay, Reserved Half-Pay, and Retirement to Officers of the Navy and Royal Marines.

Motion made, and Question proposed,

"That a sum, not exceeding £759,940, be granted to Her Majesty, to defray the Expense of Military Pensions and Allowances, which will come in course of payment during the year ending on the 31st day of March 1878."

Motion, by leave, withdrawn.

(11.) £279,981, Civil Pensions and Allowances.

(12.) £168,280, Freight, &c. on account of the Army Department.

House resumed.

Resolutions to be reported upon *Monday* next;

Committee to sit again *this day*.

SUPPLY.—REPORT.

Resolutions [2nd and 5th July] *reported*.

First Seven Resolutions *agreed to*.

Eighth Resolution read a second time.

MR. BOORD, in moving to reduce the Vote by £315, said, that was the amount of one year's rent of manorial rights over Plumstead Common, due under a lease granted by the lords of the manor to the War Department in 1873. He objected to that lease, because it hindered the preservation of the common as an open space for the enjoyment of the inhabitants, and because it involved a waste of public money. After the passing of the Metropolitan Commons Act in 1866, it was found impossible to proceed by a scheme under that

Act on account of litigation which was then before the Courts. This was settled in 1871 by the judgment of Lord Chancellor Hatherley in favour of the commoners; but shortly afterwards, on the Metropolitan Board of Works endeavouring to promote a scheme under the Act, they found the lease that had then just been taken an insuperable obstacle, and nothing had been done in consequence up to the present time, although it was understood that negotiations were on foot. The rights of the lords were of no value whatever to the War Department, for they only extended to the minerals beneath, and not to the surface of the common. If the right hon. Gentleman wanted to obtain control over the surface of the common, he must acquire the rights of the commoners. He might say there were no commoners; but that was disposed of by the judgment of the Lord Chancellor in 1871, from which he (Mr. Boord) read extracts showing that the existence of a body of commoners was abundantly proved. Their number was immaterial—one was as good as 100 for the purpose. It was not worth while to demonstrate the necessity for preserving open spaces in the neighbourhood of the metropolis, that was a subject all were agreed upon. In years gone by, it was probably possible for the military and the public to use the common simultaneously; but now, owing to the increased weight of artillery, the ground was so cut up that in winter it was a sea of mud, and in summer a waste of dust and sand. If, as he had understood the right hon. Gentleman on a former occasion to contend, he had a prescriptive right of user of the common for military purposes, of what possible use could the lease be to him? The hon. Gentleman concluded by moving the reduction of the Vote.

SIR CHARLES W. DILKE seconded the Amendment.

Amendment proposed, to leave out "£2,986,000," in order to insert "£2,985,685,"—(*Mr. Boord*,)—instead thereof.

MR. GATHORNE HARDY said, he could not see what particular interest the constituents of his hon. Friend had in this matter. The real fact was that his Predecessors had been advised that it would be an advantage to them to have the rights of the lord of the manor,

and so he had taken a lease of them, just as the Government had done at Aldershot, Strensall, and other places where they exercised troops. If the commoners had any rights, let them take measures to establish them; but, hitherto, any attempts of that kind which had been made had been scouted out of Court. He hoped the House, therefore, would support what had been done in Committee. He was only acting in the public interest in what he had done, and when his hon. Friend asked what good would it do him to take a lease of the rights of the lords of the manor, his answer was, that his legal advisers told him it would do him good. An attempt had been made to invalidate those rights, but it had failed.

Question put, "That '£2,986,000' stand part of the Resolution."

The House *divided*:—Ayes 146; Noes 59: Majority 87.—(Div. List, No. 224.)

And it being ten minutes before Seven of the clock, further Proceeding stood adjourned till *this day*.

And it being five minutes to Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE ROBERTS COURT MARTIAL.

MOTION FOR AN ADDRESS.

MR. E. JENKINS, in rising to call attention to the Report upon the Table of this House on the proceedings in the Court Martial on Captain Roberts, 94th Regiment, and to move—

"That an humble Address be presented to Her Majesty, praying that, in view of the circumstances disclosed upon the proceedings, She will be pleased to reinstate Captain Roberts in his rank in the Army,"

said, the case placed the discipline and the administration of the Army in a very unpleasant light, and it had attracted considerable attention, not only among military men, but among the

public at large. Having had his attention drawn to it, he had on different occasions put Questions in that House to the right hon. Gentleman the Secretary of State for War; and on looking back to his replies, the right hon. Gentleman, he (Mr. Jenkins) thought, must entertain some resentment at having been made the instrument of equivocal statements. He had never seen Captain Roberts, and he had taken up this matter entirely upon public grounds. The case was a serious one for all parties concerned; it affected the right of an individual to receive justice, and the House was the proper tribunal to consider it. Captain Roberts had been dismissed from the Service on the ground that he was unfit to associate with gentlemen, while an issue was raised distinctly, though he submitted, improperly, by the Deputy Judge Advocate General in his charge to the court martial as to the character and reputation of his commanding officer. There were ample precedents for the course he was then taking. Last Session a similar case had been brought before the House by a then Conservative Member who was now a most distinguished Judge. Captain Roberts was an officer who had served his country for 20 years with distinction, and when in the 92nd Highlanders he was decorated with the Indian medal. Having gone on half-pay in consequence of the illness of his wife, he was subsequently appointed to a captaincy in the 94th Regiment. That occurred on the 30th December, 1874, and as it was alleged that for the time he interfered with and stopped the promotion of subalterns in the regiment, he would not be looked upon as a very welcome addition. It was during the stay of the regiment at Belfast that this officer of 20 years' service, decorated with the Indian medal, and against whom from first to last not a single atom of evidence could be adduced, was subjected to a course of treatment at the hands of a combination of his superior officers which at length drove him—or, at all events, induced him—to apply for leave to retire. He wrote a Memorandum embodying his grievances, and committed it to a friend, without giving him permission to use it in any official way, and simply for the purpose of getting his opinion as to the steps he ought to take in the matter. The Me-

Mr. Gathorne Hardy

memorandum was handed by the gentleman to whom he had sent it to the hon. Member for Ennis (Mr. Stacpoole), who consulted with the Members for Clare (Lord Francis Conyngham and Sir Colman O'Loghlen). These laid their heads together, and resolved to go to the Military Secretary at the Horse Guards, and make some representations to him in reference to the case, based upon the documents, in Captain Roberts' favour. They did not deposit the paper in the War Office, but in consequence of statements alleged to be contained in the documents Captain Roberts was placed under arrest. A court martial was held, and he (Mr. Jenkins) had to reflect rather strongly on the manner in which officers and gentlemen considered it proper to give evidence in courts of that sort. The evidence showed that Captain Roberts gave no authority to send the document to the Military Secretary; that his friend gave no such authority; and it was rather hard on him that, in these circumstances, it should have been so forwarded, although it might be in accordance with military theories of righteousness. The Articles of War were apparently not considered so binding in the Army as was generally supposed. The Articles of War made provision for an officer who felt aggrieved by the conduct of his superior officer forwarding his complaint to the Commander-in-Chief; but Captain Roberts was deterred from taking that course because he had been informed that on two occasions other officers had endeavoured to get their grievances carried to head-quarters, and had failed. That was a matter which demanded inquiry on the part of the Horse Guards. Then came the period during which Captain Roberts was kept in custody. He was arrested on the 20th of April, and not brought to trial until the 27th of July, although from the facility with which officers might have been obtained both in Belfast and from Dublin for the purpose, he might have been brought to trial within a week. That, again, was not in accordance with the Articles of War, which said that an officer under arrest should be tried within a reasonable time. Captain Roberts was not tried until 68 days after his arrest, and that was not within a reasonable time. What was the reason for this long detention? He believed the reason was

that an endeavour might be made to induce Captain Roberts to withdraw the grave imputations which he had, in the "Memorandum" he had signed, brought against his commanding officer. A letter was written by the Secretary of the Commander-in-Chief on the 23rd of May, stating that His Royal Highness was aware that Captain Roberts had made grave charges against his commanding officer, and felt bound to give him an opportunity of proving those charges, adding, however, that on consideration of the grave consequences that might ensue, if Captain Roberts came to the conclusion that he had made the charge under mistaken impressions, he was at liberty to make "such retractations of the offensive imputations as might enable the Commander-in-Chief to permit him to retire from the Service." How could any officer, having signed a Memorandum to which he was prepared to adhere, accede to such a proposal as that? The first statement of importance contained in the Memorandum was this—"I was relieved from the command of my company, which was in perfect order." His commanding officer, Lord John Tylour, had exceeded his authority in thus summarily relieving an officer of his company in the face of the fact that the company was in perfect order. Had the company not been in good order the case might have been different; but, as matters stood, there was no excuse, especially in time of peace, for the commanding officer taking such a hasty step as assuming a right to dismiss Captain Roberts from a position which he held by virtue of the Queen's commission. It was an arbitrary act, and calculated to make Captain Roberts feel that he was made the subject of injustice. One of the witnesses, Lieutenant M'Kinlay, who had since unfortunately died by his own hand, took over the company, and, in doing so, certified that it was in perfect order, and that he was satisfied with the state of the accoutrements, &c., and although he gave evidence before the court martial to the effect that they were in an unsatisfactory condition, yet it might be presumed that the first evidence in the shape of the certificate as to fitness and order was correct, especially when it was remembered that he had admitted that as senior lieutenant he had a chance of succeeding Captain

Roberts. The evidence of the commanding officer was denied by other witnesses equally credible. Captain Roberts was accused of inefficiency, and the commanding officer, Lord John Taylour, said that he did not know his drill, and that he was unable to give the order "Change companies fours about," until he was told by his sergeant; but he (Mr. Jenkins) had been informed there was no such order known in the drill of the Army. There was, on the contrary, evidence given before the court martial that Captain Roberts was by no means deficient in intelligence, that he was well informed; but that, on the other hand, he had a disinclination to improve himself in professional matters such as rendered his example anything but beneficial to young officers. Captain Roberts complained that he, an officer of 20 years' standing, was sent for 80 or 90 days to drill three times a-day, and do the goose step with half-clad recruits, and in conspicuous places, where the officers of other regiments could and did look on. Lord John Taylour admitted that Captain Roberts was sent to drill for those days because he had made no progress in his drill; but he denied it was with half-clad recruits, although he admitted it was in the last squad. In reference to this, Major General Bell, commanding officer of the district, stated that he had been 34 years in the service, and he had never seen an officer at drill with recruits; and although Captain Roberts might have been rusty, having been five years on half-pay, it was a military indignity that he should be, by direction of his commanding officer, placed on drill with recruits for 80 or 90 days, without the protection of the presence of a superior officer. What would have been the feelings of any hon. Member under the circumstances? Would he not have felt that there must have been a motive for such treatment, and would it not have been natural that he should have given expression to his feelings? In addition to this indignity, Captain Roberts was ordered to attend all courts martial as a supernumerary, which was like sending him as a child to school to learn that which he already knew. The consequence was he was pointed out to all officers as a man who was unfit to discharge his duty.

Mr. E. Jenkins

Yet there was evidence that he had a theoretical knowledge of his duty, for when Lord John Taylour was asked what was the reason for objecting to his sitting as a member of a Court, the answer was that Captain Roberts did not take the evidence in his own handwriting; but there was nothing unusual in that, for the evidence was generally taken down, not by the President of a regimental court martial, but by a subaltern officer. Captain Roberts had also, on the death of a man belonging to it, been deprived of the command of his own company—a step for which a precedent could not be named, and implying that he was not fit to take 100 men through the streets of Belfast. When he entered the regiment he had leave of absence, which was afterwards renewed, on account of the imminent death of his wife, and, although he had four months' leave out of 10, it was not imputed that there was any want of good faith about the medical certificate relating to the wife's condition. Under all the circumstances it was not surprising that, in the written statement, Captain Roberts should have spoken of undisguised hostility; and, though a judicious friend at his elbow might have advised him not to put such conclusions on paper, they were probably no stronger than anyone else would have arrived at had he been exposed to similar treatment. The witnesses who had failed to observe any of the provocations which Captain Roberts received could not recollect that they were present on the occasions when it was offered; but it was shown that on several occasions the orderly-book had been snatched out of his hands, and he had rushed out of the orderly-room, complaining of the manner in which he had been treated. On the part of the commanding officer there must have been a certain animus, some concealed motive—his treatment of Captain Roberts was so severe and degrading, and in any other Army of Europe it would have compelled him to give "satisfaction." Here it was supposed to be sufficient to go to head-quarters for justice, and Captain Roberts was dragged there in spite of himself through the error of a Member of Parliament. Was the House satisfied with the result? He was acquitted of the first charge, and found guilty on the second, framed under the 105th Article of War, of "making false

imputations on the conduct of the commanding officer," with a recommendation to merciful consideration, for a reason which amounted to acquittal; for a man could not be guilty of making false imputations if he were innocent, as he was declared to be, of wilful malice or intentional falsehood. It seemed to him that to advise Her Majesty on such a finding to degrade an officer was a very strong proceeding; and he had thought it his duty to ask the House to join him in asking Her Majesty to restore this gentleman to his former position, in order that justice might be done, and that Captain Roberts might not go down to his grave feeling that he had been dishonoured by such charges and by an unjust verdict. The hon. Gentleman concluded by moving for the Address of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that, in view of the circumstances disclosed upon the proceedings of the Court Martial upon Captain Roberts, She will be graciously pleased to reinstate him in his rank in the Army,"—(*Mr. Edward Jenkins*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

GENERAL SHUTE said, he rose, he must confess, with feelings of such indignation at the attack which had been made upon the officers of the English Army, that he could hardly reply with becoming coolness. The officers of the 94th Regiment, who had given evidence at this court martial, had been virtually accused by the hon. Member opposite (*Mr. Jenkins*) of want of truth and of honour and of everything of which British officers were proud. No accusation could be more unfounded or unjust. It was only within the last three days he had read the proceedings at the court martial, and the reason he had not earlier acquainted himself with the subject was, because he did not think that House a proper Court of Appeal in these matters. ["Oh, oh!"] It was not fit to be a Court of Appeal on military questions; and if its authority in the capacity were recognized, why should not every serjeant, corporal, or private in the Army who thought he had a griev-

ance come to it for redress? As for the case itself, it appeared to him that Captain Roberts could not object to any part of the treatment he had received, though he might well wish to be preserved from his friends. The hon. Member for Ennis (*Mr. Stacpoole*), in his examination, had declined to say from whom he had received the incorrect and insubordinate document of complaints, which he gave to the military authorities, alleging that he had not the permission of the person from whom it had come; but the Court had, in his opinion, neglected their duty in not insisting on an answer to the question, for under the 13th clause of the Mutiny Act they had ample power to enforce it. Captain Roberts was in rather a hard position, supposing that he had never given the document to be used as it was, and naturally he might have supposed that any real friend in whose possession it came would have consulted some officer of experience as to the expediency of giving it to the Military Secretary, who would have known that to give it to that officer at the Horse Guards would be simple insanity. That was the most incomplete part of the whole story, and an answer should have been given to the question for the sake of both parties. It was impossible that the court martial could have decided otherwise than it did, for no harsh treatment, whether real or imaginary, could be accepted as an excuse for a gross breach of discipline; but he agreed with the general recommendation to mercy. The document which had been mentioned as a statement of Captain Roberts's grievances was too monstrous to be passed over; and, considering that it contained complaints of "an organized system of persecution," of "intemperate and insulting language," of a denial of the usual leave," and of "his life having been made intolerable for the last 12 months," he could only say that no honest friend would ever have let it come under the notice of the authorities, unless, which was not the case, there were positive proof that all the accusations it contained were strictly correct. But with respect to Captain Roberts himself, he could not altogether withhold his sympathy, as when he was ordered to join the 94th he had been 20 years in the Service, but had only passed 18 months with a regiment. He might

fairly ask, then, whether it was just and proper to send as captain to a regiment a man who had never had more than 18 months of regimental life and that in time of the Mutiny in India, when there were few opportunities probably of learning the details of drill? They had it from the colonel and two majors of the regiment that he was, as was only natural under the circumstances, utterly ignorant of the rudiments of drill. What on earth, then, was the colonel to do? He could not very well employ a company of formed soldiers in marching about the barrack yard in order to teach an officer who knew nothing. The colonel of the regiment felt that the best course was to drill that officer with the first class of the recruits without arms. He (General Shute) did not say that if he had been the colonel he would have done the same; but it was a great trial to a colonel to have in his regiment an ignorant captain who might ruin the simplest movement in the field, and who he and those under him found it impossible to teach—in fact, an exemplification of the vulgar saying, that “you cannot teach an old dog new tricks.” Throughout the whole of those proceedings there was not an instance in which the colonel was proved to have been either intemperate or insulting towards Captain Roberts. It was alleged that the colonel had snatched the defaulters’ book out of Captain Roberts’s hand in the orderly room. There was no proof of that; but if a commanding officer had to do with an ignorant, stupid officer who was not up in the interior economy of his company, or his troop, and was very slow in finding a prisoner’s defaulters’ sheet, he might naturally in such a case take the book out of his hand and look at it himself. Then it was said that Lord John Taylour was not so intimate and so on with Captain Roberts as with some of the other officers of the regiment; but though it was the duty of the colonel to be courteous to all his officers, it was not possible that he could be on the same free and intimate terms with an officer who knew nothing of his duty as with one who was a zealous, painstaking, good young man, competent in his duties. Again, he asked, would colonels of regiments be doing their duty to the public or to the tax-

General Shute

payers if they retained in their regiments, unless they could not help it, a man who was totally useless as an officer? A commanding officer always wished a funeral—when 100 men were marched through a town and were inspected by everybody—to be conducted by a good officer, and it was nothing astonishing, therefore, if Lord John Taylour did not employ an incompetent officer on such an occasion. For himself, he agreed with the court martial, and he maintained that Captain Roberts was not justified in saying that the colonel had wished to get rid of him in order to give a step of promotion in the regiment. In conclusion, he held that if the proceedings of courts martial of this kind were liable to be set aside by political influence, insubordination in our regiments would be encouraged, and that our Army would not long remain what it had hitherto been, probably the best disciplined in Europe.

MR. HOPWOOD said, the hon. and gallant General who had just spoken had partly admitted the fact that Captain Roberts had not been treated in a manner becoming to men of fair minds, and that he had received less than common justice. He did not think that the Judge Advocate General would say that this was not a case which justified the expression of strong language. The House of Commons was a Court of Appeal to everyone in the kingdom who had been wronged, and on so glaring a case as this the House of Commons ought not to be asked to speak with bated breath. He took rather a lawyer’s view of the case. He hoped others would take the view of human freedom; and if there was a wrong, it ought to be heard in that House without any fear of injury being done to the discipline of the Army. It was clear from the evidence that Captain Roberts was not received in a friendly manner when he first entered the regiment. He wrote the letter to which reference had been made, and which had been made public through the action of three Members of Parliament. It might not have been a discreet letter. The hon. and gallant General complained of its being circulated; but Captain Roberts said he was not responsible for that which the three Members of Parliament did, and that it was unreasonable to say he was. He (Mr. Hopwood) also said it was unreasonable, and few men, unless

they placed the discipline of the Army above all right and justice, would say it was reasonable. Then as to the finding of the court martial. It acquitted Captain Roberts of the charge that he had made wilfully false and malicious statements with reference to the colonel. In fact, by its verdict of acquittal of one of the charges, it affirmed the truth of a large part of Captain Roberts's complaint against his commander. Could any one doubt, who read the facts of the case, that Captain Roberts had been subjected to an organized system of annoyance? The evidence showed that most clearly. It was a pretence to say that he could not march a company through a town properly. Any Volunteer officer could do that. Was it true that "his life was intolerable and his position insecure?" It was not necessary that the court martial should express an opinion upon that, but, no doubt, his life was intolerable. There was abundant evidence to show that the gallant gentleman was treated in a manner which was unbecoming, and he appealed to the House to express in unmistakable terms its opinion of such treatment, and to say that, whether in the Army or elsewhere, it should not be tolerated.

MR. CAVENDISH BENTINCK said, that the hon. Member for Dundee (Mr. Jenkins) had brought very grave charges, not only against the officers of the 94th Regiment, but also against the superior military authorities, and had not even spared the department over which he had an humble control. But if the House would permit him to adhere simply to the matters at issue, he trusted he would in a short time be able to show that the conduct of the Government or of the Horse Guards could not be justly impugned. In spite of what had been said on the other side, the great and primary objection to a Motion of that sort was, that it constituted an appeal to that House from the ordinary legal tribunal. ["No!" and "Hear!"] Hon. Members said "No;" but during a long series of years that had always been the opinion of high authorities in that House. Lord Russell had laid down this principle as follows:—

"What I wish to guard the House against is assuming an authority which is properly given to courts martial of this country without extraordinary necessity and without any sufficient

reason, so that any person who may be hereafter led into improper conduct which may expose him to a court martial may be told that he may have the whole question re-opened before this House, by whom there will be a different finding and a different sentence, not acknowledged by the tribunal which had formerly tried and condemned him. Sir, I think that to establish such a precedent would be to shake the discipline of the Army, and not only to relax obedience, but to make all officers on courts martial afraid to do their duty in certain cases under the apprehension of their being re-tried before a Committee of this House."

Some 12 years since the "Simla" court martial, which had already been referred to, but which was distinguishable in many particulars from the present case, was discussed in the House, and on that occasion Lord Hampton, then Secretary for War, and his noble Friend the Member for Radnor (the Marquess of Hartington) and General Peel, both ex-Secretaries for War, Sir John Karslake, and other high authorities, all concurred in the view of Lord Russell's which had been cited. There was also an absolute objection to discussing in the House of Commons questions which depended entirely upon the evidence adduced at a legal trial. How was it possible that hon. Members generally could give the time and attention necessary to study and master evidence taken during 10 or 12 days, so as to be enabled to come to a just decision as to the matters at issue? and he (Mr. Bentinck) protested against the course taken by the hon. Member for Dundee, who, for the space of an hour, had read isolated portions of the evidence without the context. He (Mr. Bentinck) could conceive no proceeding more calculated to mislead and perplex the judgment of the House. But coming to the actual merits of the case the main points were these—first, had the law been fairly and efficiently administered? and, secondly, had either wrong or injustice been done to Captain Roberts? Now the circumstances antecedent to the court martial were these. In September, 1875, in consequence of confidential reports, the Military Secretary wrote, that His Royal Highness the Commander-in-Chief was of opinion that Captain Roberts's remaining in the 94th Regiment would be of no advantage to the Service, and suggested his immediate retirement.

GENERAL SIR GEORGE BALFOUR rose to Order. He said, documents were being referred to which were not at pre-

sent before the House, and, as the right hon. Gentleman had quoted, he must produce them.

MR. SPEAKER: If the right hon. Gentleman is quoting official documents, it is no doubt the practice they should be laid upon the Table.

MR. CAVENDISH BENTINCK said, they were already printed in the Appendix to the Blue Book.

GENERAL SIR GEORGE BALFOUR again rose to Order, and said, they were not; and he wanted a promise that these documents, now they had been quoted, should be produced.

MR. CAVENDISH BENTINCK said, the hon. Member for Dundee had admitted in his speech all that he desired to say on this subject.

GENERAL SIR GEORGE BALFOUR again rose to Order, amid cries of "Order!" from the Ministerial Benches.

MR. SPEAKER: I have already stated what the practice of the House is, and having made that statement, I presume the right hon. Gentleman, having quoted official documents will lay them before the House.

MR. CAVENDISH BENTINCK was proceeding to say, that on April 5 Captain Roberts was under orders, when—

GENERAL SIR GEORGE BALFOUR said: I must again rise to Order. [*Loud cries of "Order!"*] It is you who are calling out "Order" that are in disorder, and I am the person who is in Order.

MR. SPEAKER: The hon. and gallant Gentleman must address his observations to the Chair.

GENERAL SIR GEORGE BALFOUR: Then I address myself to you, Mr. Speaker, and again ask, whether these official documents to which the right hon. Gentleman has referred ought not to be produced.

MR. E. JENKINS said, the communication in question was set forth in the Papers submitted to the House.

MR. CAVENDISH BENTINCK resumed by saying that in consequence of these and other Reports, and particularly a Report made by General Bell, commanding the Belfast district, to the effect that Captain Roberts's remaining in the 94th Regiment was not desirable, and that he took no interest in his regiment or duties, and occupied the place of an efficient officer, the Horse Guards

determined that Captain Roberts's retirement by sale should be immediately proceeded with, and this final decision was communicated to Captain Roberts on the 5th April, 1876. Two days subsequently, and on the 7th April, the document which had been referred to as "Captain Roberts's case," was brought to the Military Secretary by three Members of Parliament, the noble Lord the Member for Clare (Lord Francis Conyngham), the right hon. and learned Member for Clare (Sir Colman O'Loughlin), and the hon. Member for Ennis (Mr. Staurope). Now, this document was brought not as a private memorandum, but for a public purpose, and it was, therefore, in every sense, a public document, and a libel clearly published, both from a military and a civil point of view. Under these circumstances the Military Secretary had no alternative, by reason of the accusations which the document contained, but to act as he did, else he would have been guilty of a clear neglect of duty, and when such scandals were alleged, have been liable to the suspicion of shielding Lord John Tylour. A trial by court martial then became imperative; but Captain Roberts had no ground of complaint; because, before assembling the court, His Royal Highness gave him the opportunity of retiring from the Army, as decided on April 4th, on retracting the offensive imputation against his commanding officer; and he (Mr. Bentinck) desired to maintain most strongly that the letter of His Royal Highness, to which exception had been taken, was not only intended to save Captain Roberts, but was most kind and considerate in its terms. But Captain Roberts declined the proffered assistance, and elected to stand by the result of the court martial, which thus could not be avoided. Well, then came the question as to whether the prisoner had a fair trial; and could anyone doubt, he asked, who had read the papers, that that question must be answered in the affirmative. The prisoner was found guilty on the second charge, with a recommendation to mercy, on the grounds stated. It became his (Mr. Bentinck's) clear duty to advise Her Majesty to confirm the sentence upon the simple ground that there was abundant evidence to go to what may be termed the military jury; but he was bound, in candour, to add, that, in his opinion, the finding of

General Sir George Balfour

the court martial was right and just, and he failed to see how they could have arrived at any conclusion more favourable to the prisoner; who also, by the gracious favour of Her Majesty, had, by the permission given to receive the value of his commission, obtained the utmost extent of mercy which could be accorded him, compatible with his non-retention in the Army. The late hour would not permit him to discuss at length the evidence given in the case, even assuming he was bound to do so, which he contended he was not; but in order that the House might know the exact truth with regard to Captain Roberts's entire unfitness for the position which he held in the regiment, he would cite the evidence of that most distinguished officer, General Bell, who commanded the district, and who was a disinterested witness in every particular. Major General Bell deposed that when he inspected the 94th Regiment, on the 6th and 7th July, 1875, Captain Roberts was quite unacquainted with his drill, and that he reported Captain Roberts's inefficiency to the Military Secretary and to the Adjutant General, and the result of his Report was that His Royal Highness suggested Captain Roberts should retire; that the Military Secretary asked his (General Bell's) opinion as to the advisability of Captain Roberts remaining in the Service, and he replied that Captain Roberts's retirement was necessary for the good of the Service; and on cross-examination by the prisoner, General Bell said that it was with his knowledge and sanction that Captain Roberts was drilled shoulder to shoulder with last joined recruits in the barrack square, because he considered him unacquainted with drill; and being further asked by the prisoner whether he considered it just that he (Captain Roberts) should have been deprived of the payment of his company, because he was inefficient at his drill, General Bell replied that he was deprived of his company because his commanding officer had reported him thoroughly inefficient, he considered his commanding officer was right in doing so. The officers of the regiment gave similar testimony, and he (Mr. Bentinck) could also adduce much evidence, if necessary, of a similar purport. Under these circumstances he submitted that the case for asking a revision of this court martial had entirely

failed. The trial disclosed neither illegality nor injustice, and he asked the House to reject a Motion which had no substantial basis, and which was expressed in terms unsupported both by Parliamentary precedent and public policy.

SIR ALEXANDER GORDON said, he did not know Captain Roberts, and was only anxious that justice should be done in his case. He had gone carefully through it, and he feared from what was contained in the Papers that a series of mistakes had been committed with regard to Captain Roberts from the very commencement. He had requested to see Captain Roberts's commission, and found that it was signed by His Royal Highness the Commander-in-Chief and by the right hon. Gentleman the Secretary of State for War. They, therefore, when they signed it, must have believed him to be efficient; and, if he were inefficient, it was a mistake to put him on full pay. What security had the House that such commissions were not being issued every year? The court martial had in effect condemned Lord John Taylour and General Bell. It was the duty of the House to look after the young men who went into the Army. He did not agree with the terms of the Motion of the hon. Member for Dundee (Mr. Jenkins), and he was aware of the difficulties in carrying out a Resolution worded as that was; but the recommendation of the court martial was the ground on which he asked the Secretary of State to show some leniency to Captain Roberts. There could be no doubt that the recruit drill, and other irritating duties, had been put on this unfortunate officer solely for the purpose of driving him out of the regiment. After being put to recruit drill, he was sent to the adjutant drill, and then to musketry drill. He was then sent back to recruit drill, and was drilled in the public barrack square with half-clad recruits. He had, in fact, been treated with indignity, and his punishment had been greater than he deserved. The practice of suspending a captain from the command of his company was quite unknown 20 years ago, and was never mentioned in the Queen's Regulations. Reviewing the proceedings of the court martial, he contended that its members had neglected their duty in not asking for explanations and checking irregu-

larities in the conduct of the prosecution. The court martial did not appear to have contemplated so severe a punishment as that which had been inflicted. If, instead of dismissal, Captain Roberts had been allowed to retire, discipline would have been sufficiently vindicated.

MR. ANDERSON said, he had never heard a lamer defence than that of the right hon. Gentleman the Judge Advocate General. There was no desire to turn that House into a regular Court of Appeal from courts martial in all sorts of cases. All that was wanted was, that in cases of flagrant injustice there should be a right of appeal. If such a right did not exist, he wondered where officers of the Army would be in the hands of such despots as Lord John Taylour. After reading the evidence, he had no hesitation in saying there had been a great deal of injustice done to Captain Roberts, and that he had been the victim of gross despotism and cruelty. He thought, also, that the sentence of the court martial was more severe than the evidence and even the finding justified. As to Captain Roberts's letter, it was exceedingly mean to have used it as it had been used. Before taking it for that purpose warning should have been given that it might be so used. Let the House recommend Her Majesty to take a more lenient view of the case. He hoped the House would always be found ready to take up such flagrant cases of injustice.

MR. FORSYTH said, that his hon. and gallant Friend the Member for Brighton (General Shute) had said that the House of Commons ought not to be a Court of Appeal from the sentences of a court martial; and his right hon. Friend the Judge Advocate General had said the same, quoting Lord Russell. But Lord Russell had qualified his opinion by adding—"without sufficient reason." If there was to be no appeal to the House of Commons, an officer condemned by a court martial could have no redress. He could not bring an action in a Court of Law, and he would be without a remedy. He (Mr. Forsyth) quite agreed that the House of Commons ought not to interfere unless a strong case were made out. But the question was—Whether in the present instance such a case had not been established? The short facts were that Captain Roberts—an officer of 20 years' standing, who had been for five years

in the Gordon Highlanders—was transferred to another regiment, and was drilled with common recruits. All he had done was to state this fact, and it was admitted to be unprecedented, and an insult to a captain, by the witnesses for the prosecution. The answer of Lord John Taylour—"Not to my knowledge," was an admission that he had ordered Captain Roberts peremptorily to "leave the room." ["Oh!"] To refuse leave of absence without reason was insulting. It was simply—

"Hoc volo, sic jubeo, sit pro ratione voluntas."

A recommendation to "merciful consideration" always had weight with a Judge in a Criminal Court, and yet in this case the sentence was almost as heavy as it could have been if there had been no such recommendation. No money received for his commission could compensate Captain Roberts for the social injury done to him while his sentence remained in force.

SIR COLMAN O'LOGHLEN supported the Motion. He was surprised to have heard it opposed as unconstitutional, when all that was asked was, that the recommendation of the court martial should be acted upon, and that Captain Roberts should be re-instated in his former rank, even if only for one day, so that he might be relieved of the stigma of having been dismissed from the Army. In this case, when Captain Roberts asked for leave to send in his papers, permission was refused. Thereupon he sent to a friend in London a private letter, which was subsequently communicated to the military authorities. He did not defend the intemperate language of that letter, which had constituted the charge against him; but it must be remembered that it was written when Captain Roberts was labouring under feelings of indignation at the refusal of his colonel to give him leave of absence. He (Sir Colman O'Loghlen) admitted that it was a mistake on the part of himself and of two of his Friends that that letter was handed to the Military Secretary, and he took his share of the responsibility. It was, however, shown to the Military Secretary merely to save time, and with no intention that it should be put forward officially. The Military Secretary forwarded the letter to the Adjutant General, and the result was the court

Sir Alexander Gordon

martial which removed Captain Roberts from the Army. In his opinion, the charge brought against Captain Roberts was the vaguest upon which a man could be put upon his trial. Still, that point had been decided by the Judge Advocate General, and consequently the House had nothing to do with it. The question arose, however, whether there were not facts in the case that justified them in asking for an Address to the Crown to carry into effect the recommendation to mercy, because the evidence disclosed circumstances of the greatest oppression on the part of the colonel of the regiment. Further, the court martial had acquitted him of the more serious imputations—namely, of malice and untruthfulness. Under all the circumstances, he hoped the Secretary of State for War would re-consider the case, and restore this much aggrieved gentleman to his former rank.

MR. GATHORNE HARDY said, there was a great deal in the present case that was of a very painful character. There could be no doubt that up to the time Captain Roberts was placed in the 94th Regiment his character was unimpeachable, and, indeed, remained so, till these proceedings, which had been caused by the intemperate letter of which so much had been said. He was rather surprised, however, to find that the hon. and gallant General opposite (Sir Alexander Gordon) should have quoted the respectful language of a purely formal document as a voucher for Captain Roberts's character.

SIR ALEXANDER GORDON said, he produced the document, not as a certificate of character, but as a certificate of efficiency.

MR. GATHORNE HARDY remarked that that only made the hon. and gallant Member's conduct the more extraordinary, considering the language he had used. The hon. and gallant Member must be perfectly well aware that officers were moved from half-pay to full-pay without undergoing any new examination. That had been done in Captain Roberts's case, and no one could pretend that it was done with ill will. On the contrary, Captain Roberts was treated with every consideration, and when he found it disagreeable to go with the 20th Regiment, he was allowed to go into the 94th, where, according to his own admission, for a time things went smoothly.

Now, what was it that in course of time made things not go smoothly? Was it any ill-feeling in the minds of the other officers against Captain Roberts, or was it a display of such complete inefficiency, amounting almost to a by-word in the regiment, on Captain Roberts's part as to render him quite unfit for his position? No one, he thought, who had read the whole of the documents, and not isolated passages of them, could have any doubt on the subject. The hon. and gallant Gentleman (Sir Alexander Gordon) thought it not inconsistent with his duty as a General of the Army to impute misconduct to the court martial. But that court martial was admitted by the hon. and learned Member for Stockport (Mr. Hopwood) to have acted with great fairness and consideration. Yet the hon. and gallant Gentleman spoke of that court martial in a manner which would have been unbecoming in a civilian, and was still more so in an officer of the Army. ["No, no!"] The fact was that not a single officer who sat on the court martial was an officer of the 94th Regiment. They were all independent members, without favour or affection, and they had no interest except to do justice to the officer who was brought before them. The hon. and gallant Gentleman had spoken of Captain Roberts having been subjected to treatment in the regiment calculated to produce irritation on his part. But the evidence of independent witnesses went to show that there was no such intention, but that Captain Roberts was an inefficient officer, and they strove to make him efficient. The right hon. and learned Gentleman the Member for Clare, having been Judge Advocate General, went with two other Members of Parliament, taking a formal document containing a statement of charges, to the Military Secretary of His Royal Highness. The Military Secretary was not a private secretary, but an official, acting as assistant to the Commander-in-Chief, and therefore he was only an instrument in passing on a document with which he could not deal himself, either to His Royal Highness, or to the Adjutant General, who was responsible for the discipline of the Army. He would venture to say that there was no official who, when three Members of Parliament brought him a document referring to a public matter, would not have supposed

that he was to deal with it officially. The evidence of the hon. Member for Ennis (Mr. Stacpoole) was to the effect that he, in company with the hon. Members for Clare County (Lord Francis Conyngham and Sir Colman O'Loghlen) went to Sir Alfred Horsford, who declined at first to see three Members of Parliament, but was willing to see one. But when he was informed that the matter would be brought before Parliament, he said he would see the three. The hon. Member for Glasgow (Mr. Anderson) had said that the conduct of Sir Alfred Horsford was "mean;" but a bolder, a more gallant, or more straightforward officer than Sir Alfred Horsford there was not in the Army. Sir Alfred Horsford did his duty; he referred the letter to the Adjutant General. The letter was not marked private, and therefore it was not a private communication, but was, as stated at the time, to be brought before Parliament. And then an opportunity was given Captain Roberts by His Royal Highness to withdraw the document. The right hon. Gentleman then read a letter in proof of that statement. That was the letter which the hon. Member for Dundee (Mr. Jenkins) said suggested to Captain Roberts a dishonourable course. It seemed to him (Mr. Hardy) no dishonour to call upon a man to say whether he persisted in certain charges he made against the officers of his regiment, and if he could not retract or explain them, that he should put them in a form in which they should be consistent with military discipline. He refused, and there was no other course in justice to the officers whose conduct was impugned, and to Captain Roberts himself, than to bring him to a court martial. The hon. Member for Dundee complained of the delay which had occurred. That delay was made with no intention to injure Captain Roberts, and certainly a large part of it was at his own request. The trial by court martial was held, the charges being for making certain statements which were false in themselves, and for making them wilfully and maliciously. He was acquitted on the latter, but found guilty of the former. So far as regards the organization of which Captain Roberts complained, there was no trace whatever in the evidence. The only charge he made was that against his command-

ing officer. It was with great reluctance that he (Mr. Hardy) referred to the evidence given before the court martial; but when a charge was made against a commanding officer, it was right to see whether that commanding officer, Colonel Lord John Tylour, was acting in defiance of his superior officers, or in obedience to what they thought right. One charge was that he had deprived Captain Roberts of the command of his company. Major General Bell was asked what would be the duty of the commanding officer, where a company was suffering from the neglect of the officer in command; and his reply was, "to deprive him of that command;" which was done. He was charged with being an inefficient officer. Major General Bell inspected his regiment six months after undergoing drill, and he was asked if all the officers were equally acquainted with their drill. The reply was that they were not equally acquainted with their drill, and that Captain Roberts was quite unacquainted with it. That was the statement of the inspecting officer, who was quite an independent witness. Major General Bell said he was asked as to the advisability of Captain Roberts remaining in the Army, and his reply was that his retirement was necessary for the good of the Service. That was said by Major General Bell with the immense responsibility which attached to him, and the House would not think of doubting the evidence of an officer in the position of Major General Bell, who was responsible not only to the Commander-in-Chief in Ireland, but also to the Horse Guards authorities. With reference to the next charge—that of being sent to drill with the recruits—it was a pity that some of them were in mufti; but, as a matter of fact, every officer when he went into the regiment had to drill shoulder to shoulder with the recruits. No doubt, Captain Roberts was in a peculiar position. He was a man of 20 years' service. He had forgotten his drill, and if he did not like to learn it in the position in which he was placed, he might have gone back to full pay and retired from the Army. Major General Bell expressed an opinion that the commanding officer was quite right in refusing leave to an officer who was not efficient in his drill. There was no doubt that Lord John Tylour was a strict officer, and he never denied that

Mr. Gathorne Hardy

he had put this officer to recruit drill, and that, in his view, he ought to retire from the Service. He might cite another instance of the inefficiency of Captain Roberts. He had been told to make a recognizance report himself; but, instead of doing so, he had obtained the services of a sergeant to draw it up for him. It was much to be regretted, he might add, that Captain Roberts had gone into the 94th Regiment; but, at all events, when he was brought back to full pay, and when the money due to him was given him, he had the opportunity of retiring. It was further alleged that a book had been snatched from him by Lord John Taylour; but in accordance with the evidence of Captain Harvey, the book had been taken from him in the quietest manner, while every one of the witnesses stated that they had never seen anything insulting in the conduct of Lord John Taylour towards him. It was clear that Captain Roberts was in the wrong place, and that he had violated military discipline in a manner which amounted to a very grave offence. That he was guilty of a breach of discipline was admitted, and as to the appeal *ad misericordiam* which was made on his behalf, he would remind the House that Captain Roberts might have retired from the Army with his money; but he endeavoured to destroy the character of his commanding officer and to injure that of his brother officers, that he took the chances of a court martial with that object, and that he had been found guilty of misrepresentation. These were grave military offences, but in compliance with the verdict of the court martial that mercy should be shown him, although he was sentenced to retire from the Service, he received his money. That was the judgment pronounced in his case, and although the House, influenced by kindly feelings, might be disposed to take the side of an old officer who had done meritorious service before he entered the 94th Regiment, he hoped it would not set itself up against the verdict of a court martial admittedly fair, whose sentence was mitigated in the most lenient manner by those by whom it had to be revised.

Lord FRANCIS CONYNGHAM, as one of those who had been alluded to as going to the Horse Guards, on the part of Captain Roberts, wished to say one word in explanation. He thought it

was his duty to do so, and see the Military Secretary. They went, however, as Members of that House, and not in a private capacity. He believed the case of Captain Roberts was a very hard one, and on that account he wished to obtain a remedy from the military authorities. At the same time, he fully admitted that Sir Alfred Horsford could not have acted other than he did. He implored the House to remember that this was the case of a man who had for many years served his country faithfully, and who was a widower.

MR. STACPOOLE reminded the House that Captain Roberts gave no authority to anyone to give this document alluded to to the Military Secretary, and under all the circumstances he hoped the House would support the Motion brought forward by his hon. Friend (Mr. Jenkins).

MR. KING-HARMAN opposed the Motion, saying it was a common thing for officers, after a long absence, to be sent back to the goose step.

Question put.

The House *divided*:—Ayes 137; Noes 72: Majority 65.—(Div. List, No. 225.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

"THE PRIEST IN ABSOLUTION."

RESOLUTION.

MR. WHALLEY rose to draw attention to *The Priest in Absolution*, and to move—

"That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled *The Priest in Absolution*, and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion."

The hon. Member had only commenced his observations when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 9th July, 1877.

MINUTES.]—SELECT COMMITTEE—Earldom of Mar, appointed.

PUBLIC BILLS — *Second Reading* — Inclosure * (127).*Report*—New Forest * (129).*Committee*—Local Government Board's Provisional Orders Confirmation (Joint Boards) * (131.)*Third Reading*—Prisons * (116); Reservoirs * (103), and passed.PARLIAMENT—ELECTION OF REPRESENTATIVE PEERS FOR SCOTLAND
—EARLDOM OF MAR.

RESOLUTION.

THE DUKE OF BUCLEUCH rose to move a Resolution designating the place and precedence in which the title of Mar be called at all future elections of the Representative Peers for Scotland. The noble Duke said, he would not enter into the controversy that had been raised by the rival claimants to the ancient Earldom of Mar—he would merely remind their Lordships that at the death of the last Earl of Mar, 32 years ago, two claimants appeared to the title, the Earl of Kellie, and Mr. Goodeve Erskine. They claimed their right to the Earldom on different grounds and under different circumstances; but he would not detain their Lordships by going into details—suffice it to say that the claims of the two parties were heard by their Lordships' House, that the hearing occupied counsel on both sides were heard at the Bar, and he believed that upwards of 500 documents, charters, and writs were produced. It was decided by the Committee of Privileges, and afterwards adjudged by that House, that the Earl of Kellie had made good his claim to the Earldom of Mar, created by Queen Mary in 1565, and that Mr. Goodeve Erskine not had made good his opposition to that claim. What was usual in that House when a Scotch Peerage was decided was done on that occasion. An order was immediately given to the Lord Clerk Register in Scotland to insert in the Roll of Peers of Scotland called for at the elections of Representative Peers, that Peerage at its proper place and precedence. He had a list of the cases in which this had been done on previous occasion; but he would not trouble their

Lordships with the several cases, but would refer to some Peerages which appeared in the Union Roll. Before doing that, however, he would state that great misconception prevailed as to what that Roll was. It was not embodied in the Act of Union, neither was it to be found in the Treaty of Union, but it was a copy of the Great Roll that used to be called in the Parliament of Scotland. In May of 1707, when the Act of Union was passed, an Order was sent from this House to the Lord Clerk Register to send up an authentic list of the Peerage of Scotland as it then stood. In 1708 a List was according sent up to this House, and a Committee was appointed to consider it. The Committee reported upon it, and it was accepted as an authentic list of the Peerage as it then stood. The Peers were entered upon the Roll according to precedence given to them by the Decreet of Ranking of 1606; but this was not final. It was styled an interim Decreet, and it was open to any Peer who felt himself aggrieved by being put too low or not in his proper place, to apply for the rectification of the Decreet of Ranking. This was done in the case of the Earl of Buchan, who applied to the Court of Session to produce the Decreet of Ranking, because he alleged that he had been put below certain Peers, and it was decided in his favour. That decision was confirmed, ratified, and approved by an Act passed through the Scotch Parliament in 1633. He mentioned that as an instance in which the Decreet of Ranking was not final. Several Peerages had been added to the Roll since, among which were Lord Braemar in 1703, Lord Colville of Culross and Somerville in 1823, the Marquess of Queensberry in 1812, Lord Morton in 1835, the Marquess of Huntly in 1838, Lord Herries in 1858, and Lord Kinross in 1868. He need not mention other Peerages which had rather been restored to the Roll than entered upon it. The noble Duke concluded by moving his Resolution.

Moved to resolve,

That upon hearing the petition of the Earl of Mar and Kellie this House doth order that at all future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peers of Scotland, the Lord Clerk Register, or the Clerks of Session officiating in his name, do call

the title of Mar in the Roll of Peers of Scotland in Parliament called at such elections in the place and precedence to which it has been declared by the resolution and judgment of this House on 26th February 1875 to be entitled according to the date of the creation of that Earldom, and in no other place, with a saving nevertheless as well to the said Earl of Mar and Kellie as to all other Peers of Scotland, their rights and places upon further and better authority showed for the same.—(*The Duke of Buccleuch.*)

THE MARQUESS OF HUNTLY rose to move the Previous Question, saying that he regretted that on the subject of a Scottish Peerage there should be any difference of opinion in their Lordships' House. The noble Duke (the Duke of Buccleuch) had entered into the region of history, and traced that of Scotch Peerages from 1606 down to 1875; but he (the Marquess of Huntly) ventured to move the Previous Question on the ground that such a Resolution as that which the noble Duke had concluded by moving, was *ultra vires* of their Lordships' jurisdiction. He further took the preliminary objection that this Petition was not, as was the ordinary course, a Petition to the Crown. The usual and proper course was for the claimant to have presented his Petition to the Crown, and the Crown would then have referred the matter to their Lordships' House, and they would have had an opportunity of inquiring into the question. This Petition was, however, presented directly to their Lordships' House, which had *proprio vi* not power to inquire or to make any such Order. The noble Duke had referred to the cases of other Scotch Peerages; but he (the Marquess of Huntly) ventured to say that if they could have a Return of all Scotch Peerages—which, he admitted, would be difficult to get—which had been added to the Union Roll since the Act of Union, he would find not a single instance of a Peerage having been struck off the Roll and inserted again at a different date. In every instance the insertion of the Peers on the Union Roll of Scotland allowed them to be represented in their Lordships' House, and in not one case had there been one of the Peerages inserted on that Roll altered to a later date. All that he desired was that the Peers of Scotland should retain their rights and privileges. The Decree of Ranking in 1606 was issued by the Commissioners who were appointed by James the First of England

and Sixth of Scotland for that purpose, and all the Scottish Peers were entered on it in their order of precedence—so that he was disposed to regard it as a very important judicial document, and one certainly of much greater importance than the noble Duke seemed to think it was. In the Decree the first Earldom of Mar was ranked at about the date of 1457—two centuries before the Decree of Ranking was issued; whereas the second Earldom was in 1565, about 40 years before that issue. The effect of the Resolution of the noble Duke would be to extinguish the Peerage of 1457, and to substitute for it that of the Earldom of 1565, and it would be absurd to suppose that those who made up the Decree in 1606 were not aware of this title 40 years after its presumed creation. Apparently they knew nothing of it, and this was surely a strong argument in favour of the ancient Earldom. If there had been any ground for the Resolution at all, it ought to have been moved within a month or so of the settlement of the claim to the Mar Peerage; but, inasmuch as that had taken place in 1875, surely the better course would have been to consult the Committee of Privileges; or, at all events, so long a time having elapsed, a Commission might have been asked for to investigate into all matters connected with the Scotch Peerage, rather than their Lordships should have been asked to attempt to settle a difficult Peerage case by a Resolution of this character. This was a question in which the whole of the Peerage of Scotland was concerned. They were a very small body, and he thought that any Resolution submitted to their Lordships tampering with an historic Peerage of very ancient date, which had been fixed by the Decree of Ranking at 1475, and which was acknowledged accordingly at the time of the Union, ought to be very carefully considered before it was adopted. He hoped that this discussion would be the means of calling their Lordships' attention to the case of the Scotch Peerages—which might be truly called long-suffering Peerages. He hoped the time would come when all those who had a right to call themselves Scotch Peers would have a seat in their Lordships' House. Limited in number as they were, he believed that all of them

were far earlier in date than 400 Peerages of England. Their Lordships would, he hoped, be very cautious before they struck this ancient Peerage out of its place on the Roll, and substituted for it a modern Peerage. Such a proceeding was contrary to precedent, and therefore, without entering into the controversy which had been raised as to who was Earl of Mar, he now took the liberty of moving the Previous Question.

And it was then *moved*, "That this Question be now put."—(*The Marquess of Huntly.*)

THE EARL OF REDESDALE said, the first objection raised by the noble Marquess (the Marquess of Huntly) was that this proceeding ought to have been by Petition to the Crown; but his position was untenable, because in all cases of dispute in respect to Privilege they were settled by Petition to that House, who were perfectly competent to do what they were asked to do by the Petition. That was a matter of universal practice, and was one which had been resorted to on numberless occasions—and their Lordships would agree that it was a reasonable and proper course to be pursued in a matter of that kind. The noble Marquess said that the noble Duke asked them to strike out a Peerage. But the Resolution did nothing of the sort—it proposed to order that that Peerage should be called in the place and precedence that had been adjudged to it. At the time that the Decree of Ranking was made there was no Earldom of Mar held by an Erskine, the heir of that family then sitting in Parliament as Lord Erskine. The House had jurisdiction to declare the right to a Scotch Peerage, and had always held that the Committee of Privileges was the only tribunal to decide questions of Peerage. The Amendment of the noble Marquess amounted simply to this—that the House should declare that it had no jurisdiction in the matter. Having found a particular date for a Peerage, it was now proposed only to place it on the Roll at that date. From the time of the death of the last heir male to the Earldom of Mar, in 1377, there was no proof of anyone having sat in Parliament as Earl of Mar, except under new creations to persons in no way descended from the old Earls. But the noble Earl (the Earl of Kellie) came

forward and claimed the Peerage as having been created in 1565; and showed that his ancestors sat as Lord Erskine up to 29th July in that year, and two days after as Earl of Mar, the Queen's marriage having taken place in the interval. His opponent claimed that it did not date from 1565, but from a much earlier date; but he could show no ground for his contention, and the decision of the House was that down to 1565 there was in reality no Earldom of Mar held by an Erskine; and, therefore, the person claiming from the earlier descent was not Earl of Mar, but the person claiming from the creation of 1565 was. Whether that decision was right or wrong, it was the decision of the House; and the Earl of Mar now asked, in accordance with that decision, to be called in his place on the Roll as established by that decision. The noble Marquess said that it ought to have been done at once; and he (the Earl of Redesdale) wished it had been. If it had been, it would have prevented a scene of confusion which took place at the election of last year, when a person came forward and declared the Earl of Kellie not to be the Earl of Mar that was entitled to vote. The House ought to take care that such a scene should not occur again. If Mr. Erskine could come forward and make a claim to the Earldom of Mar, and establish his claim under the earlier title, then indeed the case would be different. His opinion was that the Earl of Mar and Kellie having established his claim, his name ought to be called in the Roll of Peers in the place determined by the House, and not in accordance with the view of the noble Marquess. He therefore trusted their Lordships would not agree to his Motion.

THE EARL OF MANSFIELD considered there was no precedent for what had been done. The whole foundation of this claim arose from very curious circumstances. One Thomas Randolph had written a letter on the last day of July, 1565, in which he says that to honour the feast of Queen Mary's marriage Lord Erskine was made Earl of Mar; and it was stated that when the letter was produced his noble and learned Friend near him (Lord Chelmsford) said it was a gossiping letter, and nothing more—particularly the postscriptum al-

The Marquess of Huntly

luding to the Earl of Mar. He thought little importance was to be attached to the letter of Mr. Randolph. The Committee of Privileges having come to a decision on the 25th February, 1875; on the following day it was reported to the House, whereupon it appeared upon the Journals that the Lord Clerk Register should insert the name of the Earl of Mar on the Roll, dating from the creation of 1565. But when they came to do so they were very much puzzled, because they found that there was no such name there. The Committee came to the Resolution that the claim to the Mar Peerage created in 1565 was proved, but they never said one word about the Peerage created in 1457, and therefore that Peerage remained to the present moment. The Committee of Privileges, in their Report, unfortunately came to an erroneous conclusion, founded upon no facts whatever. Had that Committee taken the opinion of those versed in Scotch Law they might have avoided certain errors into which they had fallen. The Decreet of Ranking was one of the most solemn decrees that was ever passed. It was found that many misconceptions had arisen as to the titles of Scotch Peers, and that Public Business was impeded, because they were always fighting. It was, therefore, found necessary to establish the rank and precedence of Scotch Peers by the Decreet of 1606, and in that Decreet the name of the noble Earl was not to be found. He was of opinion that the Resolution proposed was *ultra vires*, and that they could only act upon the decision of the Committee of Privileges.

LORD SELBORNE said, that he did not propose to follow the noble Earl (the Earl of Mansfield) in his speech as to the grounds of the decision adopted by the House in 1875. They were all aware that both before that decision and afterwards there were persons who entertained different opinions on the merits of the case; but their Lordships, he thought, must hold that it having been decided in a particular way by the Resolution then arrived at, it was a question which was determined, so far as that decision went, and that it was binding on their Lordships. The present discussion must proceed upon that assumption. Assuming, therefore, that that decision was binding upon the House, he should proceed to state the reasons which led him

to believe that their Lordships could not with prudence or propriety adopt the Resolution which had been moved by the noble Duke. There were two reasons which he would put before their Lordships as grounds for inducing them not to do so. As he understood, the effect of the Resolution would be, in the first place, to do that which was not consistent with the Resolutions of 1875; and, in the second place, instead of supporting and fortifying the authority of what was then done, it would tend as much as anything could to destroy and throw discredit upon their Lordships' authority. Their Lordships ought to be careful, in a matter involving questions of law of great nicety, before they assumed a jurisdiction which, as far as he was aware, they had never before exercised. The noble Duke in the first place affirmed, that the House, on the 26th of February 1875, had declared the Earl of Mar and Kellie to be entitled to a particular precedence according to the date of the creation of the Earldom, which the Resolution of the House said was in 1565. He (Lord Selborne) did not so read the Resolution of 1875. That Resolution, after affirming that the petitioner, Lord Kellie, had made out a claim to the dignity of Earl of Mar created in 1565, proceeded to direct that at all future meetings of the Peers of Scotland for the election of a Representative Peer the Lord Clerk Register should

"call the title of the Earl of Mar according to its place in the Roll of Peers of Scotland called at such election, and receive and count the vote of the Earl of Mar claiming to vote in right of the said Earldom, and permit him to take part in the proceedings in such election."

But that was a very different thing from saying that the title should be called according to the date of the creation of the Earldom. And not only did he (Lord Selborne) think that the natural meaning of those words was that it should be called according to the actual place in which it stood in the Roll of Peers, but he might appeal to what had been said by the noble Earl the Chairman of Committees, who virtually admitted the same thing—because he said it was a pity that what was now proposed to be done was not done at that time. The natural meaning of the words was, that the noble Earl should be called at the place in which his name appeared up to

that time on the Roll of Peers. Although these questions of Peerage were in form settled by the House of Lords, they all knew that the real tribunal which settled them was the Committee of Privileges, and the Committee of Privileges had decided, on grounds inconsistent with the supposition, that the ancient Earldom had been restored, although the Decree of Ranking was relied upon as evidence of a contrary understanding in 1606. If so, the only Earl of Mar, in 1606, must have been the holder of the dignity found by the House to have been created in 1565; and every Earl of Mar, from that date till the Union, had sat in the Parliament of Scotland, and had been ranked on the Union Roll and ever since, in the particular order of precedence assigned to the Earldom by the Decree of Ranking. That Decree rested on Royal authority, and was, by that authority, ordered to be observed by everybody, unless it should, in any particular case, be rectified by the Court of Session, at the instance of some party aggrieved. It had, in one case—that of the Earldom of Buchan—been so rectified: and an Act of the Scottish Parliament was passed in 1633, to confirm that decision in Lord Buchan's favour. Until legally rectified—if there was any error, and error was not to be assumed—for the Crown could give an earlier precedence even to a dignity created in 1565—that order of precedence was equivalent to a declaration of the Sovereign, the fountain of honour. The place of the Earl of Mar in the Decree of Ranking was not the only anomaly there—the Earl of Sutherland also was not ranked according to the date of the creation of that Earldom, as it had been recognized in the House of Lords. If the House took upon itself to alter the Roll in this case, why should it not do so, if asked, in the case of the Earldom of Sutherland also? The Union Roll was solemnly referred to in the Statute of 1847 as an authentic List of the Peerage of Scotland: and the House had never altered it, except by adding names when a right to any Peerage not entered in that Roll had been established. The effect of the Resolution of 1875 was not to strike out any existing Peerage, but the Lord Clerk Register was directed to call the title of the Earl of Mar in its existing place and precedence. It appeared to him to be a matter of serious

importance when their Lordships were asked to interfere with the existing precedence on the Union Roll of the existing Scotch Peers. There ought to be some precedent for such a proceeding: but none had been referred to, and if there were no such precedent, their Lordships would concur with him that none ought to be made—at all events none ought to be made by a Resolution like this. He thought nothing would be more objectionable than for the House to take upon itself, in this way, to rectify any error, if error there were, in the ranking of the Peerage, and in the Decree of 1606. Acts of Parliament had been thought necessary in 1847 and 1851, to give the House power to interfere, in certain cases, with the manner of calling the Peers of Scotland at Elections of Representative Peers, and to regulate the conditions under which that power was to be exercised. The only safe and prudent course was, to keep within the limits of that Statutory power.

THE LORD CHANCELLOR could not avoid thinking that the Resolution which the noble Duke had submitted might lead their Lordships into a position of considerable embarrassment. The form of the Resolution had been slightly altered; but even in the ameliorated form in which it appeared on the Paper, their Lordships, by adopting it, would, under the guise of passing a Resolution, make a judicial, or, if not a judicial, a legislative declaration. Two years ago a Committee of Privileges investigated the claim to the Earldom of Mar, and he well remembered that the inquiry extended over a great length of time, and involved some of the most difficult questions in tracing Peerages that could well be imagined. As a Member of the Committee, he concurred in the Resolution at which the Committee arrived, although he never recollected a case in which sympathy was more elicited for the claimant who did not succeed. That gentleman had been generally supposed to be entitled to the Earldom, and he had been accepted by all who were related to the family, and, among the rest, by the particular family who afterwards became his opponents. After the most patient investigation, however, the Committee of Privileges arrived at the conclusion that Mr. Goodeve Erskine

had not substantiated his claim, and that Lord Kellie had made good his claim to the Earldom which had its origin in the year 1565. That conclusion was affirmed by their Lordships' House, and, in his opinion, was conclusive. The order made on the occasion by the House was entirely affirmative; but if the Resolution of the noble Duke were adopted, the decision so arrived at would be re-opened and supplemented by that which was not a natural corollary, but something very different and much higher, and which, in the shape of a Resolution, would be a judicial declaration or a legislative act. Further than that, by adopting the Resolution, their Lordships would affect the Union Roll of Scotch Peers, which, by the Act of 1847, was declared to be an authoritative list of the Peers of Scotland as they stood before the Union. It appeared from the same Act that sundry Peerages of Scotland had since been added by order of the House of Lords at different times. There was nothing said, however, about subtracting from the list. It stood as an authentic list, and, except the additions, nothing appeared to have been done to it. That Act was a very strong expression of the view of the Legislature—that, if anything was to be done in the Union Roll, it was to be done by legislative authority, and not merely by a vote of the House. It seemed to him their Lordships would be taking a very dangerous course in doing now by Resolution of the House what was supposed in 1847 to require the authority of an Act of Parliament. Therefore, he thought they ought to hesitate before they accepted the proposal of the noble Duke. In his opinion, the most satisfactory mode of dealing with the question would be to appoint a Select Committee to consider the matter of the Petition of the Earl of Mar and Kellie and the precedents applicable thereto, and to report thereon to the House.

LORD DENMAN said, that he had before expressed an opinion that no Resolution of either House would stand firm unless it was supported by the law of the land, and he considered that it would be a very unfortunate step to take for the House to bind itself to any particular Resolution.

THE DUKE OF BUCLEUCH expressed his willingness to withdraw his

Motion, and to accept a Resolution in the terms mentioned by the noble and learned Lord.

Then the said Motion and the original Motion were (by leave of the House) *withdrawn*.

Then it was *moved*,

That a Select Committee be appointed to consider the matter of the petition of the Earl of Mar and Kellie presented on the 5th of June 1877, and the precedents applicable thereto; and to report thereon to the House.—(*The Lord Chancellor.*)

Motion *agreed to*.

And, on Tuesday, July 17, the Lords following were named of the Committee:—

Ld. Chancellor.	L. Colville of Culross.
Ld. President.	L. Meldrum.
D. Somerset.	L. Rosebery.
E. Doncaster.	L. Chelmsford.
E. Mansfield.	L. Penzance.
E. Granville.	L. Selborne.
E. Redesdale.	L. Blackburn.
L. Elphinstone.	L. Gordon of Drumearn.

ENDOWED SCHOOLS ACTS.†

MOTION FOR AN ADDRESS.

EARL FORTESCUE: I must again ground my plea for your Lordships' indulgence in the deep interest which for now nearly a quarter of a century I have taken in Middle Class Education. As to Endowed Schools, I may be allowed to mention that some 15 years ago, at the request of a number of distinguished friends of Education, including several Members of both Houses, who had done me the honour to meet for a conference at my house, I presented to the then President of the Council a Memorial praying for the appointment of a Royal Commission to inquire into the many educational endowments scattered over the country. We were much gratified soon after by hearing that a most able Commission had been appointed, presided over by the late lamented Lord Taunton, which, after a long and careful enquiry, presented one of the most statesmanlike, exhaustive and, in my view, conclusive Reports I ever read. The only misfortune was that its recommendations were so little heeded, if, in truth, they were read, either by the late or present Government.

The late Government, indeed, proposed a measure purporting in its Preamble to be framed upon that Report;

but omitting the most important of its recommendations—that upon which in the language of the Commissioners subsequently appointed by that Government, “the scheme of the Report mainly rested.” And the Act as passed embodied little more than what was only a subsidiary recommendation of the Report, though one always acceptable to the official mind—namely, the establishment of a Central Commission to do all the work, local as well as central, which the Report had recommended should devolve mainly upon local bodies entitled in it “Provincial Authorities,” slightly controlled and brought into harmonious action by a merely supervising central authority. The Endowed Schools Act was, therefore, practically an arch with the keystone left out—the play of *Hamlet* with the part of Hamlet omitted—as might be seen by an enumeration of some of the chief duties and responsibilities proposed in the Report to be entrusted to these Provincial Authorities. They were to determine the grade of the school; to fix absolutely the age at which the boys were to leave, and to lay down certain limits as to the fees to be paid and subjects to be taught; to settle whether the school should have boarders or not; to make regulations as to the master’s remuneration; and to change the conditions on which Exhibitions and Scholarships should be held. The Commissioners concluded their long and carefully reasoned-out description of the duties and powers of the proposed Provincial Authority by saying that each

“would be, in their opinion, the proper body to draw up new schemes for the regulation of schools within its Province, and submit them through the Charity Commissioners, or some central authority, to Parliament.”

I was glad to hear from the late Secretary to the Colonies the other day an energetic protest against centralization, and a stout defence of local self-government. I only regretted that he should have applied those generally sound principles to the case of the Prisons Bill—in my opinion a very good measure on the whole—and prison administration, a subject to which the objections were not fairly applicable. But I regretted still more that he should have concurred with his Colleagues in the wanton creation of a new centralized administrative bureau, acting through Government Inspectors sent down from London, to

Earl Fortescue

dispose finally and irrevocably of more than £20,000,000 worth of educational endowments in different parts of the country; while the Report by which his Colleagues and himself professed to be guided stated that the

“necessity of dealing with schools in groups seems plainly to imply the corresponding necessity of local boards to deal with them.”

The noble President of the Council disappointed me sadly by saying in his reply to me last year, when I urged the Government to pass a Bill for the establishment of Provincial Authorities, that, in his opinion, the Central Commissioners

“were more capable of taking a fair and impartial view of what was required in each district than persons who, from local considerations, would be anxious to have schools of the highest grade,”

though the Schools Inquiry Commissioners spoke of their proposed Provincial Authority as

“capable of thoroughly understanding and appreciating local claims, and yet not hampered by the tendency to consider them alone.”

It was in reliance on the recommendations, and still more on the cogent reasoning and evidence, of that Report, that both during the passing of the Endowed Schools Act, and repeatedly since, I have pressed for the establishment of some provincial Boards; and, in their absence, confidently predicted the failure of the central authority to do the work really well. Even if the composition of the Endowed Schools Commission, able and honourable as were its Members, had been as satisfactory as, owing to the previously-published opinions of at least one of them, I thought it was the reverse; even if they had, in their administration, shown as much judgment and discretion, as several divisions proved, that in the opinion of this House, they had not, they could not satisfactorily accomplish their allotted task, because they had work to do which, in the language of the Report of 1869

“cannot really be dealt with by a central authority alone, but requires the co-operation of a local body which, as a matter of course, must be capable of looking at the county, or perhaps several counties as a whole, but which shall know the district well, and not act in mere dependence on the Reports of its officers.”

The Endowed Schools Commissioners told you, in their Report of 1872, that

they had tried to deal with schools in groups, which the Report of 1869 had described as absolutely necessary, but found that under the Endowed Schools Act the difficulty of doing so was too great, and that they had in consequence given up that idea, and resolved to treat each case as an isolated one on its own merits. Their Successors were admirably selected, and seem to have acted as judiciously as circumstances allowed. But while praising their appointment in this House two years ago, I confidently said they could not do really well under the Endowed Schools Acts of 1870 and 1875, and I repeat to-day that even superhuman wisdom would not have enabled them to succeed.

I shall now proceed to show how unsatisfactorily, when tried by the noble Duke's own test, the two successive Central Commissions have worked in the important matter of school grades. I may remind your Lordships that the Schools Inquiry Commissioners explain that by 1st grade, they mean a school where the boys leave at 18 or 19; by 2nd grade, one where they have to leave about 16; by 3rd grade, at about 14; and that, after very careful investigation, they had satisfied themselves on several quite independent grounds, that in town districts 16 out of every 1,000 boys wanted some school higher than the public elementary school; that at least half, or eight of the 16, wanted 3rd grade schools; the 1st grade, according to the prevalence or not of classics, having either two or three, and the 2nd grade, six or five. They state that—

"The most urgent educational need of the country is that of good schools of the 3rd grade—that is, of those which shall carry education up to the age of 14 or 15. It is just here that the Endowed Schools appear most signally to fail, while nothing else takes their place. . . . And the private schools cannot be relied upon to fill this gap, for as soon as a Master is thoroughly successful in a school of this sort, there is everything to induce him to raise his terms and fill his school with boys of a higher social class."

Now, I have ascertained that up to the present time, schemes for 220 schools have been finally approved by the successive Central Authorities, of which at least 110 ought, as I have just shown, to have been 3rd grade, whereas there are only 93; while the 1st and 2nd grades are respectively 42 and 85—making together 127, instead of only

110; and of these the proportion of 1st grade is far too large.

Now, the undue multiplication of 1st and 2nd grade schools will not only be a waste of money, but by furnishing a supply in excess of the natural demand, will tend to diminish the prosperity and, with it, the efficiency of each school. You will have a disastrous competition between them for pupils. They will either lower their prices to keep up their numbers, and thus tempt parents to send their children to schools of too high a grade, and to keep them unduly long at learning, instead of beginning earning; or they will have their schools half empty with fewer masters, obliged each to teach more subjects, and therefore teaching less well; while, in either case, the standard of masters will be lowered through the impaired prospects of remuneration offered.

Political economists have divided work into three classes—that of production, of distribution, and of verification; the work of production involving in most cases far more and far heavier bodily labour than either the work of distributing, as merchants, shopkeepers, and carriers do, that which has been produced; or the work of verifying, as lawyers, accountants, and others do, the legality and accuracy of transactions. It is obvious that the number of distributors and verifiers required must depend in great measure upon the amount of raw or manufactured produce to be dealt with. When the learned Professions, and that of clerks and such like are already so overstocked, when trade is dull and manufactures slack, is it wise to multiply schools for qualifying boys chiefly for the work of distribution or verification, involving only little or very light manual labour, and to stint the number of 3rd grade schools, better suited to boys early to be trained to hard bodily labour—to increase our present tendency to the condition of some place in Germany, where it was said some time ago, "a Professor could be had easier and cheaper than a stone-mason?"

I have said that the classes using the 1st and 2nd grade schools, thus unduly multiplied, will have the education of their children in them deteriorated in consequence. But what is far more serious, the best of the lower middle class, and the most intelligent and self-

denying of the artizans, willing to make sacrifices in order to secure for their children a better education than they had themselves enjoyed, will be cruelly and unjustly denied their fair share of the benefits of the magnificent educational endowment, yielding more than £666,000 a-year, and worth more than £20,000,000, provided by the pious munificence of our ancestors. And their case will be all the harder because, for reasons which I have already given from the Report, they cannot expect the void thus needlessly created to be supplied by private enterprize; and the present respectable misapplication of these endowments is much more hopelessly irrevocable than was the previous state of abuse, misuse, and disuse of many of them which invited reform.

It is sad to think of the mischief that has already been done, of nearly two-fifths of these Endowments already as good as finally disposed of—or some £250,000 out of £666,000 a-year income, or near £8,000,000 out of the £20,000,000 it is worth at 30 years' purchase; but sadder still to think of the future mischief that will be done to the cause of Education, if the remaining more than £12,000,000 are to be, as I fear they will, much of them, similarly misapplied; and saddest to reflect that this is the result of the ever increasingly bureaucratic inclinations and centralizing action of successive Administrations.

Moved for—

“Return made out, county by county, with in each case a proximate estimate of the annual endowments of

“1. The number of schemes finally approved and in force in England and Wales under the Endowed Schools Acts, 1869, 1873, and 1874;

“2. The number of schemes published by the Charity Commissioners under those Acts, but not yet finally approved;

“3. The Endowed Schools not returned in 1. and 2. nor included in section 3. of the Endowed Schools Act, 1873, which are within the general provisions of the Endowed Schools Acts;

“4. The aggregate number and income of Endowed Schools included in section 3. of the Endowed Schools Act, 1873: Also,

“Return of the number and grades (as determined by maximum age of scholars, amount of fees payable, and course of instruction) of schools established or regulated by schemes approved under the Endowed Schools Acts, in the following form.

Earl Fortescue

SCHEMES submitted by	1st Grade.	2nd Grade.	3rd Grade.	Elementary Schools
Endowed Schools Commissioners -				
Charity Commissioners - -				
TOTAL - - -				

—(*The Earl Fortescue.*)

THE DUKE OF RICHMOND AND GORDON said, that as the Return moved for by the noble Earl was wholly unopposed, he should not have thought it necessary to trouble the House with any remarks were it not that it might be supposed that he agreed in the views stated by the noble Earl if he allowed them to pass wholly uncontroverted. As to the advisability of a central authority carrying out operations in regard to the Endowed Schools throughout the country, Parliament had decided that these schools should be in future dealt with by the Charity Commissioners—he would not go into the question whether that decision was right or wrong; but as long as the law to that effect remained on the Statute Book, the duties of those Commissioners must be carried out. He must also emphatically deny that there had been any failure on the part of the central authority to do what was desired. There was nothing in the present law, or in the practice of the Charity Commissioners, which could prevent a local inquiry being made, if they thought fit, into the requirements of the districts with which they dealt; and, moreover, if they deemed a public inquiry to be necessary, it was within their power to hold one. If the noble Earl had gone into specific instances in particular districts where the Commissioners had failed in doing their duty, he would have taken a more practical course than he had done by making vague charges in general terms. The noble Earl had made accusations without bringing forward proofs to substantiate them, one of those unsupported accusations being that the operations of the Charity Commissioners constituted a cruel denial of education to the middle classes. [Earl Fortescue: I said the lower middle class.] He ventured to say there had been no cruel denial of

education to the lower middle class, and that the noble Earl ought not to have made that charge against such a body without proving it. It must be remembered that the work of the Charity Commissioners was not yet completed; and, as far as he could ascertain, he believed that they were acting in a manner which was most conducive to the educational interests of the country, and which also reflected credit on their exertions.

Motion agreed to.

Returns ordered to be laid before the House.

House adjourned at half-past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 9th July, 1877.

MINUTES.]—SUPPLY—considered in Committee
—NAVY ESTIMATES—Resolutions [July 6] reported—ARMY ESTIMATES [July 5] reported.
WAYS AND MEANS—considered in Committee—Consolidated Fund (£20,000,000).
PUBLIC BILLS—First Reading—Crown Office * [241]; Trade Marks * [242].
Second Reading—South Africa [195]; Public Loans Remission * [226]; Gas and Water Orders Confirmation (Abingdon, &c.) * [235]; Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) * [237]; Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) * [236]; Wine and Beerhouse Act (1869) Amendment * [177], debate adjourned.
Select Committee—County Officers and Courts (Ireland) * [67], Mr. Butt and Mr. Charles Lewis added.
Select Committee—Report—Ancient Monuments * [No. 317].
Committee—Report—Oyster and Mussel Fisheries Order Confirmation * [222]; Tramways Orders Confirmation (Barton, &c.) * [218]; Registered Writs Execution (Scotland) * [133]; Companies Acts Amendment (No. 3) (re-comm.) * [238]; Provisional Orders (Ireland) Confirmation (Holywood, &c.) (re-comm.) * [235]; Building Societies Act (1874) Amendment * [188-243].
Considered as amended—Public Works Loans (Ireland) * [139]; Legal Practitioners * [43].
Third Reading—Factors Act Amendment * [168], and passed.

PRIVATE BUSINESS.

ROYAL DUBLIN SOCIETY (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. O'SHAUGHNESSY said, the Bill as it stood seemed to prejudice a question in which a deep interest was felt in Ireland—namely, what authority was to control the teaching of Science and Art in Ireland. The section dealing with this point required explanation, and in order to give an opportunity for it, if possible, he would move that the Bill be read a second time that day three months. The main object was a desirable one—the constitution of a national museum and library in Dublin. This was achieved, so far as the creation of powers for the purpose, by the 4th and 11th sections of the Bill. The only observation he found it necessary to make on this part was, that care would be necessary to prevent undue expenditure in buildings, so as to insure the adequate apportionment of money for teaching purposes throughout the island. The difficulty laid in the 6th section, which provided that the library and museum should be kept in Ireland by the Department of Science and Art, "for the use of the public, subject to the provisions of this Act, and to such regulations as may be made in pursuance thereof." These words gave the Department power to adopt any scheme they chose for the teaching of Science and Art in Ireland, and to decide on the relations to be borne to the country by the South Kensington Museum. The hon. and learned Member for Louth (Mr. Sullivan) had advocated, with the approval of the House, a system under which local control and management, working harmoniously with South Kensington, would be maintained, and he feared the words of the clause gave the Department of Science and Art complete power to depart from that principle.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. O'Shaughnessy.)

SIR MICHAEL HICKS-BEACH said, that whatever might be the language of the Bill, it was not intended to prejudge the question alluded to by the hon. Member. The object was to prepare the way for the creation of a national museum and library, and when Parliament came to be asked for money for that purpose, hon. Members would be enabled to discuss how that institution might best be managed. He proposed to alter the language of the 6th section in such a way as to remove the ambiguity complained of by the hon. and learned Member for Limerick, and to leave the question quite open

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed*.

QUESTIONS.

"THE PRIEST IN ABSOLUTION." QUESTION.

MR. WHALLEY: With regard to the Motion that stands in my name on the subject of the work known as *The Priest in Absolution*, I beg to say that I shall not again bring that forward, except the House should show itself prepared to consider a Resolution to do away with the Established Church. I beg to ask, Whether, under the circumstances, the Chancellor of the Exchequer will afford facilities for discussing the subject; I having twice endeavoured to bring forward this question of the Confessional, and been on both occasions counted out, and on one occasion when the right hon. Gentleman himself was, I believe, desirous of expressing his opinion? These are some of the grounds on which I make an appeal to the right hon. Gentleman to give a day for the discussion of the whole question of the Established Church in connection with the system of Confession.

RUSSIA AND TURKEY—ENGLISH OCCUPATION OF CONSTANTINOPLE. QUESTION.

MR. MONK: I beg, Sir, to give Notice that to-morrow I shall ask Mr. Chancellor of the Exchequer, Whether it is true, as reported in Vienna, that

the British Ambassador at Constantinople has informed the Sultan that it may be necessary for England to occupy Constantinople and the Dardanelles for the protection of British interests; and, if so, whether he will be prepared to lay Papers on the Table?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I can at once answer the Question of the hon. Gentleman. There is no truth whatever in the report.

ARMY—THE MILITIA—THE REGULATIONS.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State for War, If he will lay upon the Table of the House a Memorandum explanatory in detail of the intended changes in the Militia; whether the Order in Council of 1852 fixing the quotas of Militiamen to be raised in the several counties will be revised, and the Sub-lieutenancies of counties re-arranged, to suit the altered state of the population; and, whether a revised and complete set of Militia Orders, brought down to the latest date, will be furnished in supersession of the 1875 Code?

MR. GATHORNE HARDY, in reply, said, that as the recommendations of the Committee had been finally approved, it was intended to proceed with the revision of the Rules and Regulations respecting the Militia. The revised Rules would be issued early next year.

NAVY—NAVIGATING SUB-LIEUTENANTS.—QUESTION.

MR. BRUEN asked the Secretary to the Admiralty, Whether Navigating Sub-Lieutenants were by the Circular of October 1876 allowed to exchange into the executive branch of the service at the time of passing their examinations at Greenwich or on promotion; whether some Sub-Lieutenants gained an addition of time to their seniority on entering the service owing to good conduct and high marks in the "Britannia" training ship; whether in some cases the usual date of passing the Greenwich examinations was in consequence of this addition anticipated, and officers in these cases were thus deprived of the advantages given by the Circular, and will be so deprived until promotion, a probable period of seven years; whether the Lords of the Admiralty will consider the

expediency of extending the advantages given by the said Circular, as amended by the Circular of March 1877, to those Navigating Sub-Lieutenants who passed out of Greenwich at an exceptionally early period owing to their own good conduct and before the date of the Circular; and, whether this object might be effected without undue disturbance of the course of promotion, by applying the said Circular to each such case, as if ante-dated to the extent of time added to the seniority of the officer in consequence of his good conduct and high marks when on board the "Britannia?"

MR. A. F. EGERTON: Sir, there is some confusion in the Question between navigating sub-lieutenants and sub-lieutenants, and it will be necessary to reverse the order of some of the queries in order to make the answer intelligible. Navigating sub-lieutenants are, by the Circular of October, 1876, allowed to exchange into the executive branch of the Service at the time of passing their examinations at Greenwich, or on promotion. The advantages given by the said Circular, as amended by the Circular of March 1877, cannot be extended to those navigating sub-lieutenants who passed out of Greenwich at an exceptionally early period, owing to their own good conduct before the date of the Circular; such a course would be most invidious, as the very few officers who would benefit by such a proceeding received at the time of their passing immediate promotion to the rank of navigating lieutenant as a reward. All sub-lieutenants are awarded an addition of time to their seniority on leaving the *Britannia* training ship proportionate to the certificates they receive for ability and good conduct. Some years ago cadets, after completing their course of study, joined a sea-going training ship, and cadets who had passed exceptionally well out of the *Britannia* were, on leaving the sea-going training ship, allowed to pass for the rank of lieutenant before attaining the age of 19. The sea-going training ship having since been abolished, no such claim can now be admitted.

NAVY—THE HERRING FISHERIES. QUESTION.

MR. J. W. BARCLAY asked the First Lord of the Admiralty Whether

he will instruct the officers in command of the gun-boats cruising on the Coast for protection of the herring fisheries, to give fishermen such reasonable assistance as they prudently can to recover nets abandoned at sea during heavy storms, and specially to endeavour to prevent such nets from being carried off by Foreign fishermen?

MR. A. F. EGERTON: Sir, the commanders of gun-boats will be ordered to give such assistance as far as practicable, and it is part of their instructions to protect British fishermen from improper interference by foreign boats.

NAVY—NAVAL COLLEGE SITE—DARTMOUTH.—QUESTION.

MR. EDWARDS asked the Secretary to the Admiralty, Whether the Admiralty have decided to recommend the erection of a Naval College at Dartmouth, and if the Grant for that purpose will be proposed in the Naval Estimates this Session?

MR. A. F. EGERTON, in reply, said, the Admiralty had finally decided to adopt the recommendation referred to, and the Vote for the purpose would be proposed in the Naval Estimates of that Session.

MR. EDWARDS said, in that case he should move the rejection of the Vote.

THE FOREST OF DEAN—

ACT OF 10 GEO. IV., c. 50.—QUESTION.

COLONEL KINGSCOTE asked the Secretary to the Treasury, Whether he has received the opinion of the Law Officers of the Crown with regard to the power of Her Majesty's Commissioners of Woods and Forests to sell land in the Forest of Dean; and if he will state the purport of that opinion to the House?

MR. W. H. SMITH: Sir, the opinion of the Law Officers upon the powers of the Commissioners of Woods to sell land in Dean Forest has been received, and is to the effect that the Commissioners are at liberty to put a wider interpretation than they have hitherto done upon the clause of the Act 10 Geo. IV., c. 50, which defines these powers. The Commissioners are prepared to act at once upon this opinion, and will instruct the Deputy Surveyor of the Forest to set out in lots for sale parcels of land conveniently situated for

miners' dwellings as occasion may require. The first piece of land will be set out immediately.

CENTRAL AFRICA — MR. STANLEY—
THE BRITISH FLAG.—QUESTION.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If any reply has been received from Mr. Stanley to Lord Derby's Despatch as to the unauthorised use of the British flag in his fighting with natives in Central Africa; and if he will state the terms of any such reply?

MR. BOURKE, in reply, said, that on the 11th December last a despatch was written by the direction of Lord Derby to Dr. Kirk at Zanzibar, telling him to inform Mr. Stanley that Lord Derby objected to the use of the British flag by him, and conveying an intimation to that gentleman that he should not use the British flag for the purpose of carrying out his operations in Central Africa. It was very difficult to know how this information would reach Mr. Stanley, for his movements were not known at Zanzibar. Some American traders appeared to know where Mr. Stanley was, and Dr. Kirk had requested the American Consul at Zanzibar to convey through them the intimation to Mr. Stanley as soon as possible. The intimation had been despatched to Mr. Stanley; but it was not known whether it had reached him.

NAVY—NAVAL CHAPLAINS—THE
SOCIETY OF "THE HOLY CROSS."
QUESTION.

MR. WHALLEY asked the Secretary to the Admiralty, Whether his attention has been called to a statement in "Mayfair" that the Reverend H. M. Jackson the Chaplain of H.M.S. "Hector," and the Reverend C. J. Corfe, Chaplain of H.M.S. "Cambridge," are members of the Society of "The Holy Cross;" and, if such be the fact, whether, having regard to recent disclosures of the doctrines and practices of members of "The Holy Cross," those appointments will be allowed to continue?

MR. A. F. EGERTON: Sir, I am not aware whether the statement in *Mayfair* is accurate. No complaints have reached the Admiralty against either of the gentlemen referred to, one of whom has

Mr. W. H. Smith

been for the last three years chaplain to the *Audacious* on the China Station. The allegation to which the hon. Member refers is not in itself a sufficient ground for cancelling their appointments, though the Admiralty will view with great disfavour any connection by naval chaplains with a society which has incurred the censure of the Episcopal Bench.

NAVY—H.M.S. "INFLEXIBLE"—A
COMMITTEE OF INQUIRY.—QUESTION.

SIR JOHN HAY asked, Whether the Government had taken, or would take, any steps to inquire into the stability of H.M.S. "Inflexible?"

THE CHANCELLOR OF THE EXCHEQUER: I can inform my right hon. and gallant Friend that the Board of Admiralty propose to refer the question to a Commission, or Committee, of independent Gentlemen, not connected with the Admiralty, who, being experts in naval matters, will be well qualified to form an opinion. I cannot at this moment mention their names.

RUSSIA AND TURKEY — RUMOURED
INTERVENTION.—QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, Whether there is any ground for the statement in the "Ruski Mir," a Russian journal, that there is reason to believe that the French Cabinet have come to an agreement with the British Government as to naval operations in the East?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I cannot undertake to answer every Question raised on every report; but I do not know that there is any foundation for the rumour in question.

MR. WHALLEY said, he would repeat his Question on another occasion.

PARLIAMENT—SUPPLY—ORDER OF
BUSINESS.—RESOLUTION.

Motion made, and Question proposed,

"That, after the Order of the Day for the Second Reading of the South Africa Bill, this House will resolve itself into the Committee of Supply."—(*Mr. Chancellor of the Exchequer.*)

SIR COLMAN O'LOGHLEN asked the right hon. Gentleman whether the House was to expect to have a similar Motion every Monday evening. A fortnight ago, when a similar Motion was

brought forward, it was excused on the ground that any further delay in agreeing to the Army Estimates might give rise to a great deal of inconvenience. As the Civil Service Estimates had not been fixed for that day, there was no special occasion for it, and he strongly objected to the large number of Orders, 40 of which were Government Orders, that had been put down for the same day. From the Papers which were put into the hands of hon. Members that morning, it appeared that when they got into Committee of Supply the right hon. Gentleman would ask them to vote £100,000 as a loan to the South African Government, and he considered that Notice an inconvenient one.

THE CHANCELLOR OF THE EXCHEQUER said that, as a general rule, the Government desired to take Supply on Monday; but on the present occasion it was thought advisable to take first a very important measure—the South Africa Bill, after which Supply might very well follow, assuming that the discussion on the South Africa Bill did not occupy the whole of the evening. It was also thought desirable that, while discussing that Bill, the House should have notice that a Vote would be proposed for the government of the Transvaal. Such being the state of the case, he did not think there was anything of which complaint could be reasonably made in putting Supply on the Paper, especially as the count-out did not occur early on Friday evening and not until after 1 o'clock in the morning, after a full discussion on a subject upon which an important decision was arrived at. The Government had followed the course which they thought would be most convenient to the House, and it was rather hard that any complaint should be made on the subject.

MR. E. JENKINS objected to a Vote of £100,000 being taken up that night, as Notice of it had only been given that morning.

MR. CHILDERS took the same view.

THE CHANCELLOR OF THE EXCHEQUER expressed his willingness to postpone the Vote. He thought it desirable, as the House was about to enter upon the discussion of the South Africa Bill, that the House should know what pecuniary help the Government was disposed to give to the work of Confederation. It was with that view the Vote

was placed upon the Estimates, and not with any intention of pressing it on that evening on the brief Notice to which allusion had been just made.

ORDERS OF THE DAY.

SOUTH AFRICA BILL.—[Lords.]

(Mr. J. Lowther.)

[BILL 195.] SECOND READING.

Order for Second Reading read.

MR. J. LOWTHER, in moving that the Bill be now read a second time, said, it would fortunately be unnecessary for him to detain the House at any great length in explaining details. This measure had now for some time been in the hands of hon. Members, and it would be affectation on his part if he were to assume that they were not perfectly familiar with the grounds on which it had been laid before Parliament, and which had been fully stated in "another place" by his noble Friend the Secretary of State. No doubt, the measure had received the careful attention which it merited from all those who took an interest in the question. It would not be necessary to enter at length into the subject of Confederation, it had frequently been discussed, and the principle had been commented upon in various quarters; but he would point out that as it had been already in force in the great Canadian Dominion now for some 10 years, we had had an opportunity practically of viewing its application to Her Majesty's Colonies. The circumstances, however, in which that Confederation was established by the British North America Act were different in many essential particulars from the circumstances of the case he was now submitting to the House. The great object which it was sought to attain at that period was greater convenience of administration, and the establishment of an efficient means of uniting the British Colonies on the other side of the Atlantic. In the Canadian Bill many details were given in the original draft which in the present measure were conspicuous by their absence. The reason of that difference was not far to seek, because in the case of Canada an agreement had practically been arrived at previously among all the parties concerned. In the present case the Bill

was essentially of a skeleton character, and its details were left to be filled in according as circumstances might arise. He had said that the circumstances of South Africa differed materially from those of Canada at the time of the adoption of the British North America Act. The reason was that the union, which in the case of Canada was a matter rather of administrative convenience, in the case of South Africa assumed a character of urgent and pressing necessity. A union of some kind had long been felt both in this country and in South Africa to be essential to the security of Her Majesty's dominions in those parts. The House was aware that the population of South Africa was mainly composed of large Native elements, with a comparatively small proportion of Whites. At the Cape of Good Hope the coloured population was more than double the white, and in Natal the difference was far greater, for while there were only some 17,000 Whites, there were 280,000 Natives. Then there was another question—namely, the trade in arms. Some common system whereby this dangerous form of commerce could be effectually controlled must strike the most casual observer as a matter of vital necessity. The perusal of this Bill would reveal one element which had now disappeared from the Continent of Africa; he alluded to the South African Republic. And in speaking of that subject he wished to allude for a moment to the observations which had been made with regard to the Vote which stood on the Paper for to-night. His right hon. Friend the Chancellor of the Exchequer had already explained how it was that the Vote of £100,000 in connection with the annexation of the South African Republic appeared upon the Estimates, and, therefore, he should not further allude to the matter, beyond saying that he thought the House would have had a right to complain of the conduct of the Government, if they had asked them to give a second reading to this Bill while keeping them in ignorance of such an essential fact. As regarded the Transvaal Republic, it was a matter to which he wished to devote a large portion of his observations. The White population there was, on an approximate estimate, 40,000, as against 1,000,000 blacks. The House was aware that the Transvaal Republic owed its origin to

the emigration in 1834 of some of the white settlers from the Cape, and it was in 1852 erected into an independent State. Since that period the State, under a Republican form of Government, had continued in friendly relations with the British Empire. That state of matters Her Majesty's Government were most desirous to continue, and nothing but circumstances over which they had no control had led to any change in our policy with regard to it. The House was aware that a war had unfortunately sprung up between the Native tribes and the South African Republic. With their internal or external relations Her Majesty's Government had no concern so far as those relations affected themselves alone. It was only when their policy was productive of danger to Her Majesty's dominions that, in his judgment, the Government were justified in at all interfering. It had been said that the treatment of the Native tribes, both within and without the actual confines of the Republic, was not such as to commend itself to the people of this country. But so long as the South African Republic was in a position to carry out any policy they chose and prevent the result of that policy being in any way productive of danger to us, we had no business to interfere; but, unfortunately, they became engaged in warlike operations which it was entirely out of their power to wage. The adult male population was not more than 8,000, and with the necessary deduction for non-combatants, 6,000 odd might be calculated as the entire White population which it was in the power of the Republic to call upon to bear arms. Even if the bulk of this population was brought into the field, their power successfully to encounter the vast hordes in arms against them would obviously be impossible. The South African Republic, therefore, was repeatedly warned by the Secretary of State, through Sir Theophilus Shepstone, on the grave nature of the course they were adopting. The failure of their attack on the Native Chief was a matter of history. It was successfully repelled by the Native tribes. They succeeded in overpowering the Forces sent against them. Now, with the success or the failure of the Forces of the Republic, as with their policy when viewed by itself, we had no concern, so long as their contests affected

Mr. J. Lowther



themselves alone; but he need hardly remind the House that the overpowering of a White force in a country surrounded, and to a great extent peopled, by large Native tribes, was a matter which the Government could not view without concern. The proof of the superiority of the Native tribes over the European settlers most probably would not have been kept within the limits originally assigned to that contest, and the destruction of the Transvaal State would have brought on the whole of South Africa the consequences of a Native war. That was the state of affairs which brought about the present position. In dealing with the matter as he had, Sir Theophilus Shepstone was entrusted with very full powers by Her Majesty. From his large experience of Native affairs in South Africa, it was needless to say, Sir Theophilus Shepstone had the complete confidence of his (Mr. Lowther's) noble Friend the Secretary of State, and therefore, within certain defined limits, he had power to act practically on his own responsibility. When this subject was last mentioned, the Secretary of State said, as he felt bound to do, that the policy of Sir Theophilus Shepstone had not been fully explained, and that he must necessarily reserve his opinion until he was fully informed of it. That fuller explanation had now arrived, and the House would be quite prepared for his (Mr. Lowther's) statement that the policy adopted by Sir Theophilus Shepstone had the full approbation of the Government. The presence of Sir Theophilus Shepstone in the capital of the Transvaal State during many weeks, accompanied as he was by a small body-guard of 26 policemen, might surely be taken as a sign that the feeling of the State was not inimical either to him or to the notorious object of his mission. He fully explained to the authorities of the Transvaal State that the security of Her Majesty's colonists was a matter of the utmost importance, and that he required to take measures for securing that object. The addition of the Transvaal State to the property of the British Crown had been in some quarters termed rank aggression; but he hoped it would not be so characterized in that House. He asked the House to reflect on the fact of an English gentleman, a civilian, accompanied only by 26 policemen, performing

the act he had described in the midst of a State consisting of 40,000 of White population, and then say whether that act could in any way be stamped with the character of aggression. He entered freely into communication with the recognized officials of the Republic—he explained the alternative he might be compelled to adopt in the event of their failure to comply with the conditions which he deemed essential to the general safety. His representations were received throughout in the most friendly manner, and whilst protesting, as they considered they were bound to do, against the proposal, no impediment was placed by them in the way of Her Majesty's Government. As no doubt the House were aware, from the Papers that had been laid on the Table, the late President and several others connected with the Government of the Republic protested against the proposed change, and two of them followed up their protests by visiting this country as delegates from the late South African Government. Those two gentlemen were received the other day by the Secretary of State; he (Mr. Lowther) was present at the interview; and, without entering into the details of the conversation, he would mention that it was at once pointed out by his noble Friend that the Act performed by Sir Theophilus Shepstone was irrevocable, that it would be idle to enter upon a discussion of it, that it was accomplished, and that any further discussion of it would be a waste of time; but his noble Friend added that, with reference to the future administration of the State, he should be happy to receive any communication from them, and they cordially assented to the Secretary of State's proposition, and expressed their willingness to enter upon a discussion with regard to the future. It was, further, worth observing that previous to the departure of these gentlemen for this country, they had asked Sir Theophilus Shepstone if he would retain their services in his new arrangements, and make temporary arrangements for the discharge of their duties, and he at once assented to the course they proposed, leaving them free to visit England for the purpose of making representations to the Government in this country. He mentioned these details to show that the spirit in which the negotiations had been carried on was very different from that which

in some quarters it was supposed to have been. With regard to the obligations incurred by England on our assumption of the government of this State, he found that the present debts of all kinds were about £220,000. A sum of £25,000 would be required for the removal of troops and the expenses connected therewith, and £25,000 it was estimated would very shortly be required for the payment of interest on the Debt, and to meet other claims, the payment of which could not be delayed; but in making these statements he wished to guard himself against its being supposed that Her Majesty's Government would necessarily admit every claim that might be made against them. While every *bond fide* debt and obligation would be punctually acknowledged and discharged, it would be imprudent to hold out a hope that recklessly-assumed obligations would necessarily be acknowledged. He had mentioned the dark side of the picture first, but it had its bright side. The natural resources of the country, notwithstanding the smiles of hon. Members opposite at the use of the phrase, were very great. The South African climate was very good for Europeans, and the great bulk of this country was a table land 4,000 feet above the level of the sea. It was cool and healthy; the agricultural and pastoral resources were very great; the minerals required only energy for their development—[Mr. Lowe: And capital]—and we might assume that the essential element of capital would not be deterred from embarking in the Transvaal now that Her Majesty's Government had interfered in order to secure the good government of the district. Indeed, the tendency of that change would be to re-assure capitalists and encourage European immigration. The mines had already been the subject of inquiry; it had been ascertained that gold, copper, lead, silver, and coal existed in considerable quantities; and the development of these mineral resources could only be a matter of time. Their very existence placed beyond doubt the payment of interest upon the Debt, the reduction of its amount, and the future commercial prosperity of the country. The revenues of the State had been up to recently quite sufficient for the expenses. A vast railway scheme was, however, embarked in

beyond the powers of the former Government, and, in other ways, extravagance was unfortunately embarked in which he might assure the House would not occur again. They were not taking over a bankrupt community that was unable to pay its way; but it was a country which—although it had unfortunately, through the policy that had unwisely been adopted, got into serious financial as well as military difficulties—need not cause us any alarm or prevent us from anticipating a happy future. With these remarks, he would move the second reading of the Bill.

Motion made, and Question proposed.
“That the Bill be now read a second time.”—(*Mr. J. Lowther.*)

MR. COURTNEY, in moving that the Bill be read a second time that day three months, said, he could not admit the assumption, implied in the statement of the hon. Gentleman the Under Secretary of State for the Colonies, that the House was well acquainted with the principle of Confederation as proposed to be applied in these Colonies. On the contrary, there was a great deal of confusion and defective knowledge respecting it, and more especially as regarded the Transvaal. The professed object of the Bill, as presented to the House, was to facilitate the voluntary combination of the colonies, and from that point of view it would be difficult to object to it; but the matter assumed a different aspect when it was known that not one of the colonies desired this scheme of Confederation, that it was altogether inapplicable to them, that it had not originated with them, but in this country, and that the object was to re-acquire for Great Britain certain outlying territories which we deliberately parted with more than 20 years ago. There was no parallel between this Bill and the Canadian Bill; the latter came from Canada to us; the Colonial Office had nothing to do but to express its approval of it; it was negotiated in the colonies, and it was put into shape before it came here; and all that this Government did was to give the new State a name; but the Confederation of South Africa had sprung up here, and its main object was to re-attach to us certain territories which we had resigned. There were difficulties in South Africa which did not exist in Canada, for in South Africa the great mass of

Mr. J. Lowther

European settlers were Dutch in language, habits, manners, and love of independence; and, besides them, there was a large Native population. Troubles arose between us and the Dutch settlers as long ago as the year 1834. The Dutch then went northwards, and founded the Colony of Natal. We followed them, headed them back from Natal, and defeated them. They then went beyond the Transvaal, but we followed them, and held that wherever they went they carried subjection to the British flag with them. In 1852, however, finding we could not follow them any further into the interior of Africa, we recognized the independence and sovereignty of the Transvaal Republic, hoping by this means not only to free ourselves from the difficulties that had grown up, but to interpose between ourselves and the Native States a State which would protect our Colonists from any danger on the part of the Natives. Sir George Clerk, a distinguished public servant, was sent out by Lord Aberdeen's Government to report on the Orange River Free State. He described the sparseness of the population and the extent of the territory, and strongly deprecated the assertion of British sovereignty over such a State. Sir George Clerk's description of the Orange River Settlement was equally true of the Transvaal Republic at the present moment. His opinion was adopted by the Duke of Newcastle, at that time Colonial Secretary, and the Government of that day determined to renounce all sovereignty over the Orange River State, on the ground that its management cost too much in labour, and entailed too heavy a charge upon the British taxpayer. The Orange River Free State was thereupon set up as a buffer between us and the African Native population, but was incapable of being managed as an English settlement or English territory. After we had left the Orange River State, and it had become independent, the people had wars with the Natives, and petitioned to be taken back again under British rule. We refused, although if ever there was danger of disturbance and contagion from one State to another it arose between the Orange River Free State and Natal. In fact, every argument that was used in support of the annexation of the Transvaal Republic might have been applicable with greater

force in favour of the annexation of the Orange River Free State, whose territory was to a great extent conterminous with Natal, while that of the Transvaal Republic just touched Natal at one corner, and Sir Theophilus Shepstone took 30 days to get from Natal to Prætoría. The Orange River Free State went to war with the Basutos, and had the worst of it. They persevered for four years, although they sustained frightful losses—not less than one in five, as it was said, of the adult male population having been killed. That calculation was, perhaps, excessive, and one in 10 was, perhaps, nearer the mark. But did the war extend to Natal? Not at all. If, however, it went on for four years in a territory contiguous to our own, how could it be contended that the state of the Transvaal rendered it necessary for our peace and quietness that it should be annexed? In the year 1858 there was a movement to re-annex the Orange River Free State. A change of Government had occurred here at home, and the late Lord Lytton, who was appointed head of the Colonial Department, sent out to consult Sir George Grey as to the feasibility of a Confederation being established in South Africa, and to ask him whether he was in favour of the adoption of such a course. Sir George Grey wrote back, commenting upon the dangers of the existence of a number of small States, and even went so far, without waiting for instructions from home, as to take into consideration the scheme of Confederation; but he was recalled, and there was a change of Government soon after. From the termination of the war with the Basutos he had alluded to, the Orange River Free State continued to grow in wealth, and its present condition was described in a Natal newspaper as being so prosperous that that Colony was desirous of having it annexed to itself. That reminded him of the Irish gentleman who carried off an heiress, because he said she had every blessing in life except a husband, and he was determined she should want that no longer. Such as the Orange River Free State was now is the Transvaal, and if it were only let alone it would develop its own resources, both mining and agricultural. The Dutch inhabitants would bring its land under cultivation; it would become stronger and stronger, by-and-by probably reverting to a free

union with us, but in the meanwhile perfecting its own organization, it would be most useful to us as an independent free Republic. But Sir Theophilus Shepstone, who had done very good work as a member of Native Affairs, appeared upon the scene, and acting with an ambition to which he (Mr. Courtney) might apply the words of Shakespeare—

“Man, proud man!

Dress'd in a little brief authority,
Plays such fantastic tricks before high Heaven
As make the angels weep,”

seemed to think that a great deal could be done in South Africa, as had been done in Canada. There was also another adviser, Mr. Froude, who, instead of continuing his labours as an historian, and producing a work which might have been harmless, returned to the study of politics, and having gone to South Africa got the notion into his head that Confederation would be a very great thing. The proposals sent out to Africa by Lord Carnarvon displayed in their conception an ignorance, which was almost incredible; and the whole process of the Confederation scheme from beginning to end seemed to have been conducted without due regard to the conditions of life in South Africa. Before communicating with the Governments of the Transvaal and the Orange River Free State in so delicate a matter, Lord Carnarvon published the invitation to them to take part in the Conference respecting the Confederation, which was in itself a delicate matter, and the course adopted had justly been resented by those free States as bordering upon insult. Lord Carnarvon had also asked, of course, the Cape Colony to come into the proposed Confederation, and to send Representatives for that purpose. But there were two Provinces in Cape Colony, and the one was at variance with the other. Lord Carnarvon suggested that certain members should attend the Conference, evidently without being aware of the position in which they stood in relation to each other, for he had recommended, through Sir Henry Barkly, that Mr. Molteno should be a member of the Conference, and that another member of it should be one of those who belonged to what he might call the Home Rule Party in the Colony, which was much the same thing as if the Leader of Her Majesty's Government in that House were invited to take part in a Conference

with the hon. and learned Member for Limerick (Mr. Butt). That, of course, created the greatest excitement in the Colony, and Mr. Froude found the place in a flame when he arrived, so that he could do nothing. In the Eastern Province alone a desire for separation existed. There Mr. Froude was received with enthusiasm, just as a man would be received who came from America to Ireland to propose federation with the United States. The people in the Eastern Province said—“Lord Carnarvon has promised to give us Home Rule; we go in for Confederation because it breaks up the union which at present exists.” A Conference was held at home, as suggested by Lord Carnarvon when the preceding plan was found to have failed, to which Mr. Molteno was invited, but that gentleman would have nothing whatever to say about Confederation. A representative was invited also from the Orange Free State, but he likewise refused to have anything to do with Confederation; and Mr. Brand, the President of the Conference, said—“I am here with orders not to have anything to do with Confederation, and the moment that question is raised I shall retire from the room.” At the Conference at home Lord Carnarvon addressed Sir Garnet Wolseley, two members from Natal, and Sir Theophilus Shepstone. These were the only persons present, and when things were examined closely it would be found that those members from Natal who did come home were treated very badly; because while they were in this country, Lord Carnarvon forwarded to the Cape a draft Bill which was not submitted to the consideration of the members from Natal until it had been sent back again. An examination of that Bill would, he thought, justify every word he had uttered in condemnation of the haste and the thoughtlessness with which the noble Lord's policy was pursued. The Bill was, in effect, the British Canadian Act with certain provisions left blank. The prime object for which the Dominion of Canada was established was not to unite Provinces together, but to dissolve the Provinces which had been united. Now, if any lesson was to be derived from Canada as applicable to South Africa, it had reference to dissolving the union between the Eastern and Western Pro-

Mr. Courtney

vinces. But this was not involved in the scheme. When the Canadian Bill was under the consideration of that House, the weakness and utterly unworkable character of a nominated Senate were pointed out. Well, since then it was known to have proved an utter failure, and that it had gathered to itself no respect, no authority, no weight in the Parliament of Canada; and yet Lord Carnarvon sent out this Bill for a nominated Senate in South Africa, although in the Cape Colony an elective Upper Chamber already existed. It was still more extraordinary that such a proposal should have been made to the Free States. Would any independent State think of sacrificing its independence by consenting to be put under the rule of a State, the Upper Chamber of which was nominated by the Crown? It was not proposed to enfranchise the Native population. The consequence was to produce such a disproportionate representation of interests between the two English States that Natal said—"We cannot have this. We have a small English population, but in other respects we bear a fair proportion to the Cape Colony. Can we enter into such an arrangement as will give us only a small representation?" The Natives were treated in different ways in Natal, in the Cape Colony, and in the Dutch Republic. When the scheme for a Conference came to an end and a scheme for a limited Conference at home was proposed, Lord Carnarvon requested the Governor of the Cape to send him the laws of the three States. This circumstance showed that at that period his Lordship did not know what were the laws of the three States relating to this subject. Was it reasonable to ask the South African States to adopt such a scheme as that involved in the Bill now before the House? Bit by bit everything had been taken out of it. It had been so maltreated by criticism in the Colonies that it was now reduced to a mere skeleton, which he did not think that House, with any sense of responsibility, could sanction. It was a Bill to enable certain States in South Africa to join in a Confederation. The Confederation was to be ruled by a Senate to be appointed as the Queen might direct; by a House of Commons consisting of such Members as the Queen might direct, to be apportioned as the

Queen might direct, with such rules for the representation of the Native population as the Queen might direct, and such a distribution of powers as the Queen might direct. How was it to be supposed that the South African States would assent to a scheme which conferred such monstrous powers on the Executive? In being asked to sanction this Bill, the House was, in effect, being asked to lay down the abstract principle that we should hand over these colonies, which had absolutely repudiated the whole scheme, to the Colonial Secretary to deal with as he liked. He could not conceive that the House, realizing the force of the situation, would give its sanction to any such scheme; and he contended that they were not justified in putting such confidence in Lord Carnarvon, or any Colonial Secretary whatever. The Canadian Bill, as he had said, was one which originated in Canada, was perfected and worked out in that country, and then came before the British Legislature for approval; but this South Africa Bill originated in the minds of Sir Theophilus Shepstone and Lord Carnarvon, and had been rejected by the Cape Coast Colony, by Natal, and the Transvaal Republic. Besides, the House was asked to sanction a scheme of which the very conditions whereon that sanction was recommended had been ignored. Sir Theophilus Shepstone obtained the commission to go out to annex the Transvaal Republic, but on certain conditions—that, before doing so, he should obtain the consent of the people and the concurrence of the Governors of the colonies. But neither of those conditions had been fulfilled. Sir Theophilus Shepstone had not used his influence with the Natives; he stopped at the Cape and at Natal, and then, when rumours of peace were rife, he marched out. By that time the dangers were over, and the Native Chiefs amenable. The Under Secretary to the Colonies had put forward as a reason for passing the Bill that there was a danger of the war in South Africa spreading, but that apprehension was not borne out by experience, as in the case of the Orange River State, and the argument had been disproved by the conduct of Sir Theophilus Shepstone himself and the reception he met with from the States now in question. Certainly, the more he considered the

matter, the less he (Mr. Courtney) approved of it. The man was authorized to do a particular thing, and now they were to approve quite another achievement. Nor was the moment chosen a good one, for it was still more to be deplored if they considered the particular moment at which the annexation had been perpetrated? Was this a time to make annexations? There were some hon. Members of that House—probably a majority of the House—who looked to a time, perhaps not far distant, when they would have to remonstrate against, and perhaps even to take up arms against another Power. Were they prepared to give that other Power the opportunity of taunting them with what they had done now? Did they consider it good to go to South Africa and annex, on the feeblest of all pretences, this State, when they might have to discuss questions of annexation on the Bosphorus? This case would make them stand ashamed when their enemies were in the gate, and he was astonished that the act of annexation had not been repudiated by the Government. It might, indeed, be said that the thing was done, and could not be undone; but whether it could be undone depended upon the instrument chosen, and it was not impossible to rebuild the Transvaal Republic in a country where the corporate life was very feeble and the whole *modus vivendi* almost patriarchal. He heartily wished that the only question was the policy of Confederation in South Africa; but that was not so, and the House would have to judge of a policy hastily caught up and unwisely followed. Whether he was supported on that side of the House or not, he should fight against this Bill as much as he could. He opposed it because he believed Confederation to be inapplicable to South Africa, and that it would saddle the English taxpayer with costs and damages in defence of a policy which had been repudiated more than 20 years ago. He opposed it still more because it had involved them in a deed which made Englishmen blush, and which, if ratified, would bring disgrace and dishonour on the English people. The hon. Gentleman concluded by moving the rejection of the Bill.

SIR CHARLES W. DILKE said, he had not intended to have spoken, but as no one rose to second the Amendment just

moved by the hon. Member behind him (Mr. Courtney) he, agreeing with it as he did, would do so. It would be absurd in him to go over the whole of the grounds upon which the Bill was liable to objection. The opposition which had been put forward to it by his hon. Friend was not, he believed, very popular on that side of the House; but that was probably because, as he (Sir Charles W. Dilke) thought, many hon. Members imagined that the question involved in the Bill under consideration was that of the annexation of the Transvaal Republic; and it was because he believed that the objections to the Bill would be just as strong, whether the annexation of the Transvaal was involved in it or not, that he wished to address a few remarks to the House. The Bill did not distinctly raise the question of the annexation, and it would be better, therefore, to reserve it for discussion on the Transvaal Vote. He had listened with the greatest astonishment to the remarks of the hon. Gentleman the Under Secretary of State for the Colonies, who, in moving the second reading of the Bill, could hardly be said to have spoken one word to the House on the merits of the proposition. He was amazed that the hon. Gentleman should have made his whole speech in defence of the annexation of the Transvaal Republic. There was much to be said for and against that annexation; but that was not the question now at issue before the House. The House had now to vote Aye or No to the Confederation of the South African States, in which the question of the annexation of the Transvaal was not distinctly involved. The Bill, in fact, seemed rather from its terms to contemplate the non-annexation of the Transvaal. In fact, the only clauses in the Bill which alluded to annexation were Clause 4 and one other which spoke of the Colonies voluntarily wishing to come into union; so that the only reference the Bill made to the Republic was one which treated it, not as a British Colony, but as a still independent Republic. With regard to the Bill on its merits, the burden of proof lay with those who proposed it, and it was not for others to give a great body of reasons why the Bill should not pass. He had not heard as yet any such arguments as should induce the House to pass the Bill, which, as had been admitted, was imposed on the Colonies by

Mr. Courtney

Lord Carnarvon. The Colonies did not accept it. They might sum up the case as between the Cape and Natal thus—that whatever scheme would be acceptable to the one, would be sure to be distasteful to the other. The Under Secretary of State for the Colonies had spoken of the Transvaal as having devised immense railway schemes, the proposals for which had thrown light on the financial rottenness of the State. But one of the great advantages from Confederation was the pushing of railway enterprise, and he would ask the Government to explain how railway matters were dealt with by the Bill. There was another question which laid at the root of the measure. What was “South Africa?” What were its “States and Colonies?” In connection with this point, he complained that the Bill was utterly vague in its character. There was nothing in it definite or tangible. The Government might, in fact, use it through the medium of Orders in Council to effect in South Africa any revolutionary change they liked. There was no definition in the Bill of what South Africa was, and under it all the States of Africa might be included in Confederation, not excepting Egypt itself. Besides, it was purely artificial in its construction; it did not indicate what was to be the policy of its authors, and nothing of an explanatory character had been heard from the front Opposition Bench. Further, with regard to the Transvaal, if they were not to discuss the Bill on its merits, he would ask the Under Secretary of State not only to produce his Vote of £100,000, but to give some intimation of the use to which the money was to be applied, as the House could not pass the Bill without being in some measure committed to the Vote. He was sorry to hear the remarks of the Under Secretary about the gentlemen who had come to this country to represent the interests of the late South African Government. His hon. Friend had said that these gentlemen had an interview with Sir Theophilus Shepstone, and that they had been offered employment by the British Government. That statement, coupled with the Vote of £100,000, would lead many to think that this union had been brought about in the same way as the Union between England and Ireland. All the newspapers of South Africa had stated over

and over again that there was not likely to be much trouble with the leading men of the South African Republic, inasmuch as they would get high employment under the British Crown. The House ought to have some explanation of the position in which the Transvaal Republic was left by this annexation or semi-annexation. It was said that the Transvaal, at all events, voluntarily entered the union. But a regiment and a-half of British troops had marched in and were still in possession. Perhaps the Under Secretary of State would inform the House how the legislative assent of the Transvaal to the union was to be given to Lord Carnarvon under the Bill? And, then, what was to be the case with regard to the Orange Free State? Considering the unconstitutional nature of the Bill, he should certainly pause, if a different explanation from what we had already received was not given, before assenting to the second reading of the Bill.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Courtney.*)

SIR HENRY HOLLAND regretted that the question of the annexation of the Transvaal had been mixed up with the question of Confederation, because he held the Bill now before the House to be an urgent measure and necessary for South Africa. That was not only his opinion, but it was the opinion of the present Secretary of State, and of two preceding Secretaries of State. Certain charges had been made against Sir Theophilus Shepstone on account of the annexation of the Transvaal. He was glad that the Government had taken the responsibility for the annexation in advance upon themselves; for however great might be the ability and judgment of an officer, it would not be right to place upon him the responsibility of taking so grave a step as annexation. In the instructions to Sir Theophilus Shepstone there were certain conditions attached to annexation, the first being that it should be necessary for the peace and safety of our Colonies. In his opinion it could be shown that the peace and safety of the Colonies were endangered by the state of things in the Transvaal. The next condition was that Sir Theophilus

Shepstone should have the assent of a sufficient number of the people to the change. By "sufficient" he thought was meant, not that Sir Theophilus Shepstone should have the formal assent of the majority of the inhabitants, but that he should have satisfied himself that a sufficient number of persons approved of the change, so as to ensure that change being effected not only without disturbance or breach of peace, but to the general contentment of the people. The third condition was that he should submit the proclamation to Sir Henry Barkly. He thought it would not be difficult to show that Sir Theophilus Shepstone had fulfilled these conditions. What did he find? He found on one hand an aggressive Government, relying, mistakenly as the result proved, on their own resources, making unwarrantable claims of territory to East and West of the Republic. This was not done without earnest warnings from Lord Carnarvon, who pointed out more than once that in the interests of South Africa such claims could not be allowed by Her Majesty's Government; that they would inevitably lead to collision with the Natives, and raise complications which might affect the peace and security of our Colonies. He found this Government defeated, absolutely bankrupt, disorganized, distrusted by and unable to defend their own people. On the other hand, he found a warlike nation—the Zulus—flushed with the victory they had obtained over the Boers, proud of defeating the white men, thoroughly well armed, and combining with other tribes around them to attack the white men. He found also a sham peace which had been hastily patched up, and which was characterized as a "happy illusion." As to the Natives being well armed, he would not rely only on Sir Theophilus Shepstone's report of their "almost universal possession of rifles," but would cite Consul Elton's Report of 1877 for the year 1876. He says—

"Trade in arms and ammunition continues to flourish, and it is notoriously a fact that both the Zulu nations and tribes bordering on the Transvaal are now provided with good arms and ammunition."

It was difficult to conceive a state of things more dangerous to the Transvaal and to the colonists. As to the Transvaal, their weakness invited attack from without, and their Government must have

fallen from troubles within. It could not be argued that Sir Theophilus Shepstone was prejudiced, and described the state of things in too dark colours, because President Burgers, in his address to the Raad, entirely confirms that view. He describes their bankrupt and disorganized condition, which it would require little short of a miracle to put right, and in strong terms he blames the people for their disloyalty to the State. If one reads between the lines of his speech, one sees that he points not only to Confederation as expedient, but to annexation as possible. With respect again to the great danger to the peace and security of the Colonies, he did not rely solely on the statement of Sir Theophilus Shepstone. Sir Henry Barkly, Sir Henry Bulwer, and several magistrates all agreed on this point, especially with reference to the Colony of Natal. How could it be otherwise? In Natal there was a handful of white men surrounded by Natives. And these Natives were not, as in other places, disappearing before civilization and brandy, but they were increasing in numbers annually in proportion to the white inhabitants. That, be it observed, was mainly owing to that just and liberal treatment of them which might be said to have been initiated and carried out by Sir Theophilus Shepstone. He thought the other conditions imposed on Sir Theophilus Shepstone had been complied with. A large number of the Transvaal people had assented to the change. The statement of Sir Theophilus Shepstone showed that during his stay in the capital he had numerous interviews with all classes of the inhabitants, who showed a most friendly feeling and a conviction that his mission offered the only possible solution of their difficulties. Numerous addresses had been sent to him, and memorials had been subsequently forwarded to the Government. All the towns and villages had expressed their approval of it. The whole country was rejoicing at the change. Sir Henry Barkly had left before the proclamation was issued; but Sir Theophilus Shepstone was well aware of Sir Henry Barkly's views, and he was not bound in all cases to submit the proclamation to the Governor of the Cape. He had a discretion vested in him by the express terms of his commission, which he had wisely exercised. As showing the necessity for the annexation, he would call

Sir Henry Holland

attention to the fact that it was approved of in the Cape Colony, though in the Western part of that Colony there would be great sympathy with the Boers; and he believed there had been only one protest raised in the Orange Free State, though that State would be jealously alive to any change that added to the power of the British Government. Turning from this subject to the question of Confederation, it had been said by the hon. Member for Liskeard (Mr. Courtney) that Lord Carnarvon had acted most improperly in pressing this measure on the Colonies and States. But in 1875, when the question arose as to the Conference, a resolution was passed by the Legislative Council of Natal strongly in favour of the Conference and of a closer union of the Colonies, and the same year the subject was favourably discussed by the Orange River Legislative Council, who thanked Lord Carnarvon for the warm interest taken by him in South Africa; so that it could by no means be assumed that Lord Carnarvon's conduct had been treated as improper by the Colonies. Indeed, it would be found that although the Cape Ministry at first opposed the Conference from a misapprehension of Lord Carnarvon's views, the whole of the Eastern part of the Colony and a majority in the Western part were in favour of a careful discussion of the question. He cordially agreed with the object of the Bill—to promote Confederation in South Africa—and with the arrangements by which it was proposed to be carried out. It was to be observed that while Lord Carnarvon had been guided in framing this scheme by the plan which had been adopted in confederating the Provinces in British North America, and which had most thoroughly answered, he did not, when sending it out, in any way bind himself to the clauses as they stood. They were merely sent out for consideration; and suggestions which had been made in the Colonies had been adopted and incorporated in this Bill. It might, therefore, be assumed without doubt that the scheme in principle met with the approval of the Colonies. It might be, after all, that not one of them would adopt the Bill, for it was permissive; but, at all events, it was important to them to have a scheme the details of which they were at liberty to fill up; and it was important to them to know how

far they could go with the assent of the Imperial Government; and, further, that any laws affecting the Natives must be reserved for the approval of Her Majesty. The Preamble of the Bill clearly pointed out that it was expedient to declare and define the general principles upon which a union might be established, and to enable the details of the Constitution and of the establishments to be provided for after the wishes of the Colonies and States interested had been duly represented to Her Majesty through their respective Legislatures. The words "as the Queen may direct," which had been commented upon, referred only to the period anterior to the agreement of any two Colonies to confederate; and when once a Union Parliament had met, the authority of the Queen in Council would cease, except as to points in respect of which the Royal Prerogative was specially preserved. He heartily commended the Bill to the House, and he was satisfied the Colonies would accept it gratefully, even although they might not choose to act upon it at once.

MR. KNATCHBULL - HUGESSEN would vote in favour of the Bill by way of assenting to a general proposition, that Confederation was the best thing that could happen to the South African States; but he regretted the manner in which it had been introduced, because the subject was independent of the Transvaal annexation, which could have been explained at another time, and the Under Secretary of State for the Colonies said nothing at all about the real reason for introducing the Bill, nor had he explained any of its provisions as might have been expected. If he had wished to introduce the Transvaal annexation into the debate, he might have done so in a perfectly legitimate manner by stating that which was doubtless the fact—namely, that the Bill had been drawn long before the annexation had been thought of. As far as that matter was concerned, he (Mr. Knatchbull-Hugessen) was bound to say that of the annexation itself he approved, and he endorsed the action of the Government with regard to it. He believed it was not only justified, but that it was absolutely necessary. It was all very well to talk about the beauty of the Dutch Government, of which the hon. Member for Liskeard was so enamoured, but

careful study would show that there were some drawbacks to it when administered in the Colonies of South Africa. It was said by the hon. Member for Liskeard (Mr. Courtney) that we were wrong in having annexed the Transvaal, and that our system of government was unsuited to that country, and would not succeed, because we governed upon different principles from the Dutch in South Africa. Thank God we did, and it was because we did that the Natives appreciated the blessings of British rule as much as they detested that of the Boers, whose whole history in South Africa had been a record of cruelty and oppression towards the Natives and of rapacity in annexation of Native lands. The hon. Gentleman had spoken of the immigration of the Boers in 1834, and he had depicted them as honest farmers, only desirous of settling down quietly, but followed by the cruel British Government, who never would let them alone, but drove them from place to place, always claiming sovereignty over them, and eventually allowed them to become a Free State, hoping that they might act as "buffers" between our colonies and the Natives. But the hon. Member's reading of history was by no means correct. What was the cause of the immigration of the Boers in 1834? The Boers immigrated in 1834 because they would not submit to the abolition of slavery, and instead of being a buffer between us and the Natives, by their rapacity and wrongdoing they continually stirred up strife and exposed us to constantly increasing dangers. The truth was that they wished for the advantages and privileges of British subjects without discharging those obligations which Great Britain required from her Colonies. So far as the Transvaal was concerned, full explanation could be given of the annexation when the £100,000 was asked for; but financial considerations must be thrown to the winds when the honour, dignity and interests of the British Empire and the safety of European colonists were as much at stake as they were in this case. The annexation was absolutely necessary for the security, not only of the British Possessions, but of all European settlers in South Africa. He (Mr. Knatchbull-Hugessen) agreed with the hon. Member for Liskeard, that they should speak in that House under a sense

of responsibility, and he was surprised that immediately after uttering that sentiment he had gone on to say that we had "acted with violence towards the Transvaal, accompanied by something very like fraud," and that Sir Theophilus Shepstone had acted as one "clad with a little brief authority," and not as he should have acted. With all respect for the hon. Member for Liskeard, he ought not to have made such charges against the Government and its officials, unless he had been able to say something more in justification of them; and the hon. Member had no right to speak as he did of everything having been done in inconceivable ignorance about the Colonies. In saying this he did not absolutely endorse all the actions of Lord Carnarvon, and, particularly, he never could understand the object of sending out Mr. Froude, who had better have stayed at home, as his hon. Friend remarked, and finished his history. If the British Government had good and efficient Governors at the Cape and at Natal, all necessary information might and should have been obtained through them, and it was a slight upon them to send out a stranger to carry on negotiations respecting a matter concerning the Colonies which they governed. This was the more inexcusable when they had as Governor of Cape Colony Sir Henry Barkly, than whom there was no man of higher standing, greater ability, and tried probity in the Colonial Service. The hon. Member said that we were reversing the wise policy of 20 years ago, when the Orange River Territory was abandoned. But he (Mr. Knatchbull-Hugessen) would not scruple to say in his place in that House that in his opinion there never was a greater mistake than that committed 20 years ago. The Orange River Territory was annexed by proclamation issued by Sir Harry Smith. The only possible solution of the existing difficulty at that time was to bring it under British authority. An unhappy idea of economy soon afterwards seized this country, and the troubles that had ever since occurred in consequence were inconceivable. Lord Grey had written a despatch to say that England had no interest in keeping that territory, unless the majority of the inhabitants would support her authority. He left office, and Sir John Pakington, who followed, was in favour of aban-

Mr. Knatchbull-Hugessen

donment. Then came Lord Aberdeen's Government, and Sir George Clerk was sent out by the Duke of Newcastle to do a certain thing, and he did it, and it was under the Duke of Newcastle that the abandonment was effected. There was a party in the State who were in favour of abandonment, but there was a stronger party against it, and it was in order to save expense, and not because it was the wish of the people, that the abandonment policy was adopted by the British Government. In fact there were many Petitions against the abandonment. General Cathcart had just won the battle of Berea, the expense was over, the difficulties past, and all would have gone on well, but for the fear of the Home Government, lest the British taxpayer should cry out, and their consequent fatal policy of abandonment at the very moment when the fruits of success had been obtained and tranquillity established. The territory got into difficulties immediately afterwards, and as his hon. Friend had said, the inhabitants actually petitioned to be taken back under British protection but were unfortunately refused. The hon. Member for Liskeard said that the Orange River Territory had been ever since continually prosperous. He did not know what his hon. Friend called prosperous, but he had himself told the House in his next sentence that one in five of the adult inhabitants engaged in the war with the Basutos had been killed. And what was that war? A contest between the Boers of the Orange Free State and the tribe of Moshesh, in which the Boers, when victorious, always annexed more of that Chief's land until at last he came under British Sovereignty to save the rest. And what was the language of the hon. Member for Liskeard as to the Orange Free State? He said "we took the Diamond Fields to which the Orange Free State had claims, and we have since practically admitted their claim by paying them £90,000 to relinquish it." Well, there were some people in this country who invariably took part against their own countrymen in all these matters, and here his hon. Friend and Mr. Froude were much alike, for so partial was the latter to the Boers that he (Mr. Knatchbull-Hugessen) had heard that they said of him that he was a good friend to them but must be a bad Englishman.

But this language respecting the Diamond Fields gave quite a wrong idea of the real facts. He contended that the action of the late Government in regard to the Diamond Fields was perfectly justifiable, while the payment of £90,000 to settle the claims set up was one of the most questionable acts of Lord Carnarvon's Government. The Orange Free River State claimed the whole of this territory. They made themselves judges in their own cause, and refused all arbitration. When Waterboer, the Chief who claimed this territory, disputed some of the documents they brought in support of their claim, they quietly went on without him and divided it between themselves and the Transvaal Republic. When they afterwards attempted to show some of their proofs to Sir Henry Barkly, their documents were of a very suspicious character, and one purported to be a letter from a Chief named Cornelius Kok, who was proved and admitted to have been unable to write. Waterboer had the best claim, and he had come under British Sovereignty. The annexation was most wise and desirable. He believed that Lord Carnarvon had paid this £90,000 for a claim which was worthless, partly with a view to dispose the Free State towards Confederation, but he doubted whether it would have that effect. Since the Transvaal had been annexed, the Free State would be almost entirely surrounded by British territory, and would have less difficulty in resisting the Natives on their frontier. With regard to the Bill before the House, the second reading was not a stage for criticizing the details too closely. Members on his (the Opposition) side would not prefer a nominated Council if they could get an elective Council; but it would not be fair to reject the Bill on this ground until they had heard the arguments of the Government in Committee. No doubt a Confederation of the South African States would be a most excellent thing if it could be effected so that the Natives might have confidence that the same equal laws would be administered over the whole of the South African States. He should be sorry to say anything harsh of foreign colonists, but truth must be told, and there had been acts of oppression committed against the Natives by two of these communities which were a disgrace to any civilized Governments. He sincerely hoped the

Orange Free State would willingly come into the Confederation. He believed the Orange Free State would receive considerable benefit from this annexation from the increased security of its frontier. With regard to the second reading of this Bill, he must say that, while he reserved to himself the utmost liberty in the consideration of it in Committee, he could not do otherwise than record his vote in favour of the second reading. He thought it was the duty of anyone who had held the office which he had held, and who knew the great responsibility of managing Colonial affairs, to give a fair and generous support to the Government, which had attempted to do a great work in South Africa. With regard to what had been said respecting the interests of the Cape Colony and Natal being opposed, he did not understand that it was intended that precisely the same laws upon every subject should obtain in every State that might be confederated. But what was intended was that with regard to matters of general importance, such, for instance, as the importation and sale of arms, and more especially as to the manner of dealing with the Native tribes, the same principles should prevail; they would not have English principles upon one side of a river and Dutch principles upon the other, but equal laws would be administered to all in South Africa. He regretted the expressions which had fallen from his hon. Friend the Member for Liskeard against the course adopted by Sir Theophilus Shepstone, who was a gentleman of ability and great administrative power, and who had only done that which he felt it was necessary for him to do. He believed Sir Theophilus Shepstone had acted from the best of motives, and he gave his support to the Government with regard to the annexation. He hoped the Colonies of South Africa would be welded into one Confederation, and when they were thus confederated we might hope that South Africa would make a great stride forward in improvement.

MR. A. MILLS, in supporting the Bill, defended Mr. Froude from the strictures passed upon him by the hon. Member for Liskeard (Mr. Courtney), and said, it was a matter of considerable importance that the House should learn distinctly from the Treasury, whether they were warranted in supposing, as

they had told the House, that a large portion, if not all, of this Supplementary Vote of £100,000 would be returned to us from Local Revenue. The grounds on which he desired to support the Bill were two-fold. He thought it would not only produce the very great advantage which proverbially resulted from union, but that it would produce a great advantage by making the work of responsible government in the Cape of Good Hope more possible and more successful, and ultimately he trusted that the system of responsible government would be extended to all the groups of Colonies which were to be in this Confederation. Another effect of the Bill would, no doubt, be to lessen the evil of the multiplication of instruments of government; for the Colonies had a great tendency to increase indefinitely the different Departments under which they were governed. Those who had studied the history of our South African Colonies knew very well that in times past, when we spent millions upon the Kaffir War, one of the causes of that expenditure was, that the interests of the frontier tribes were not identical with those the colonists of the Cape. It was perfectly notorious that a large portion of commissariat expenditure at that time went into the pockets of the colonists of the Cape. The very circumstance that our South African Colonies were largely inhabited by warlike races constituted a strong argument in favour of Confederation from a military point of view. Confederation would reduce the temptation to engage in war as between the colonists and the Native races. He hoped we were not going to have war; but we must be prepared for that contingency. But, whatever happened at the Cape, he hoped we should not be guilty of our old error of sending large numbers of troops to these Colonies, because experience had proved, especially in New Zealand and at the Cape, that the troops for these Colonies ought mainly to consist of local levies. He hoped the House would pass the Bill; but great care would be necessary in considering its details; for instance, with regard to the Council, he hoped the existing provision would be amended so that it should be an elected, instead of a nominated, Council.

MR. WHALLEY, having special and personal knowledge of the course of Sir

Mr. Knatchbull-Hugessen

Theophilus Shepstone's administration at Natal during 30 years, wished to deny the accuracy of the charges that had been brought against that gentleman of having been guilty of aggression and oppression, and of having exceeded his authority. Those charges evinced a reckless disregard of the circumstances of the case, for during that period Sir Theophilus Shepstone had not only administered the affairs of that country without giving offence to the Natives, but had preserved peace throughout the entire district. Long before Lord Carnarvon took steps for establishing a Confederation among these Provinces Sir Theophilus Shepstone had been requested to intervene. There was another matter which deserved the careful consideration of Her Majesty's Government. The Sultan of Zanzibar had implored the British Government, through that gentleman, to assist him in developing the immense territory nominally subjected to him which stretched towards the inland lakes of Africa, with the view of putting an end to the slave trade which flourished there.

MR. DILLWYN rose to Order. He wished to know whether the hon. Member was in Order in discussing the propositions of the Sultan of Zanzibar on the second reading of that Bill.

MR. SPEAKER ruled that the hon. Member was in Order.

MR. WHALLEY, in conclusion, repeated his protest against the undeserved attacks which had been made upon Sir Theophilus Shepstone, and hoped the Government would favourably consider the request of the Sultan of Zanzibar to which he had referred.

MR. O'DONNELL said, he felt obliged to vote against the Bill. If it had been drawn with less vagueness his objections might possibly have disappeared. He was not at all satisfied that sufficient precautions would be taken to secure to the Native populations, under the new system, those rights to which they were entitled, and it mixed up the Transvaal question with the other objects of the Bill. The Dutch appeared to be far from satisfied with the treatment their kindred had received from us in South Africa, for in Holland he had seen in circulation a number of protests, on the part of the Dutch population, on the subject, in which everything that the Under Secretary for the Colonies had

painted white was in those protests painted distinctly black.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 81; Noes 19: Majority 62.—(Div. List, No. 226.)

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday*. 12¹

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BROADMOOR CRIMINAL LUNATIC ASYLUM.

REPORT OF THE COMMITTEE.

MR. RYLANDS, in rising to call attention to the Report of the Committee appointed to inquire into certain matters relating to Broadmoor Criminal Lunatic Asylum, said, that the House had recently decided upon placing all the prisons in the Kingdom under Government control, in consequence of a general belief both in the House and out of it, that Government could manage matters of that kind with greater efficiency and economy than local bodies, but the lessons derived from the history of Broadmoor Asylum gave a very different idea of the results of Government administration. That history was not one of old date—it was, in fact, a very recent one, commencing only about 15 years ago, and after that short period, the dissatisfaction existing with reference to the cost of the maintenance of the Asylum, and doubts generally with reference to the arrangements had led the right hon. Gentleman opposite, the Secretary of State for the Home Department, to appoint a Committee of Inquiry from whom he requested a Report

"on the existing state of the establishment, both in respect of its cost as a lunatic asylum, and of the expenditure required to put the building in a proper condition and maintain it;"

the Committee were also instructed

"to consider whether any arrangement could be made by which the expense of maintaining such an establishment could be reduced, by re-

taining the existing buildings or site, or by any alteration thereof, or by the sale of the present site and removal elsewhere or otherwise."

The right hon. Gentleman no doubt was fully justified in appointing such a Committee, but the constitution of the Committee was fairly open to question. He (Mr. Rylands) on more than one recent occasion had called the attention of the House to the practice which had arisen of referring the investigation of matters of administration to Departmental Committees, upon which permanent officials occupied an influential position, rather than to Select Committees of that House. He had strongly objected to the practice as being calculated to lessen the control of Parliament over the various Administrative Departments, and to promote, in the interest of the permanent servants of the Crown, the public expenditure rather than diminish it. Had the present matter been referred to a Select Committee of the House of Commons, it would no doubt have secured a large amount of valuable evidence upon the subject, and would have led to a Report of a more satisfactory nature than that which had been laid upon the Table of the House. The Committee appointed by the right hon. Gentleman consisted of Sir William G. Hayter and Mr. Walter, M.P. (who were Members of the Council of Supervision of the Asylum), Mr. A. B. Mitford (of the Treasury), Dr. Mouat (of the Local Government Board), and Mr. Everest (of the Home Office). The Asylum was under the control of the Home Office; but a local element in its management was introduced in the Council of Supervision, which included the names of several gentlemen residing in the locality of the Asylum. The Council of Supervision was clearly to some extent placed upon its defence in the inquiry, and therefore it was open to remark that two of its Members were placed on the Committee, and in fact adopted the Report with the assistance of Mr. Everest by a majority of 1 over the dissenting minority consisting of Mr. Mitford and Dr. Mouat, who had expressed their dissent from their Colleagues in decided terms. Mr. Mitford went so far as to say that "the majority took for granted the perfection of Broadmoor." Notwithstanding, however, the natural disposition of some Members of the Committee to make the best of a bad case, the Report adopted

Mr. Rylands

by them and presented to the Home Secretary was quite sufficient to demonstrate the singular incapacity with which the whole affair had been managed. The buildings were constructed under the authority and control of the Government in accordance with the plans of Sir Joshua Jebb, and were opened in May, 1863. The total cost of the buildings and land up to the present time amounted to £166,350, and although they had been in existence only 14 years the construction had been so objectionable as to lead to serious doubts whether it might not be advantageous to pull down the buildings, sell the site, and erect new buildings elsewhere. And this was an instance of the way in which Government managed matters of that kind. Had the magistrates of one of the English counties fallen into such serious mistakes in the erection of their county asylum, as to lead to a proposal to pull it down within 15 years and to build another, the outcry against their folly would be heard throughout the Kingdom, and it would be generally thought that the magistrates would be more fitted to occupy places within the building itself than to superintend its management outside its walls. But that had actually been the case in the erection of Broadmoor by the Government, and although the majority of the Committee did not recommend the pulling down of the building, the minority were of opinion that that would be the proper course to be taken, and all of the Members concurred in the opinion that the buildings were "very badly constructed and in constant need of repair." Within a year of the opening of the Asylum the medical superintendent reported upon the inadequacy of the means originally provided for warming the wards—he stated that—

"The buildings are heated by iron stoves and open fire places. Notwithstanding a large consumption of coal, portions of the buildings such as single rooms remain unwarmed, and damp walls and bedding are the necessary result."

But without going into other particulars of bad construction there was the fact stated that—

"The majority of the locks throughout the building can be picked with scarcely any difficulty."

Not only had the Government failed to secure the erection of well-constructed

buildings; but the cost of the institution under their management was excessive as compared with county lunatic asylums. In Broadmoor, the average cost per annum for each inmate was £57 17s. 3d., whilst in the county asylums of Lancashire it was as follows:—Lancaster, £21 18s. 2d.; Prestwich, £24 3s. 2d.; Rainhill, £25 9s.; Whittingham, £26. It thus appeared that the cost of Government management was considerably more than double the cost of local asylums. In the charge for the official Staff the difference was very great. In Prestwich Asylum, for instance, the Staff of attendants cost £4 16s. 4d. per year for each inmate, whilst the cost of the Staff at Broadmoor amounted to not less than £19 10s. 5d. per year for each prisoner. The salaries paid by Government were higher, and the attendants were considerably more numerous. No doubt, the argument would be urged that the inmates of Broadmoor being criminal lunatics of a dangerous and violent character, it was necessary to provide a large Staff of attendants. But that argument must be taken with considerable qualification. There was not that great difference between the character of the inmates of Broadmoor and those of other asylums. Dr. Mouat, in his separate Report, remarked that—

“All lunatics with homicidal or suicidal tendencies, however quiet and harmless they may ordinarily be, and all violent and dangerous maniacs with or without such tendencies, need the most careful and constant watching, with the highest degree of safe custody, whether they be in the criminal category or not.”

In some of the county lunatic asylums the proportion of that class of inmates was very considerable. The medical superintendent of Prestwich Asylum, in his report, presented to the magistrates of the county of Lancaster last year, alluded to the fact, that owing to the great pressure arising from want of accommodation, the chronic cases who were quiet and orderly were sent to the work-houses of the parishes to which they belonged, in order to make room for the admission of new cases. The medical superintendent upon this remarks that—

“The continual elimination of the quiet element leaves in the asylum a preponderance of violent, sick, and acute patients, the average character of whose insanity is more severe than what is met with in kindred institutions. That our maintenance expenditure will necessarily be

affected by these circumstances and conditions is apparent to everyone conversant with the subject. These classes of the insane not only need for their safety and well-being a greater amount of supervision—which means a larger Staff of attendants—but their diet accommodation and all the appliances for treatment necessitate a larger outlay than would be required for the care and management of chronic cases.”

Such were the facts in relation to Prestwich Asylum, and yet the cost of its maintenance was not one-half the cost of Broadmoor. But the excessive expenditure was not the only source of loss to the public by the mode in which Broadmoor was managed by the Government. There was reason to believe that prisoners were kept there long after the period when they might safely be set at liberty. Of course, in an asylum managed by local authorities there would be always the desire to save unnecessary charges upon the rates, by removing the inmates as soon as they gave evidence of recovery. But no such course appeared to have been taken at Broadmoor. When a criminal lunatic entered its walls there seemed to be no chance of his ever leaving them. An instance of that kind occurred in connection with the Warrington Union. For several years the Union had been charged with the maintenance of four criminal lunatics, about whom the Board of Guardians could get no information, until at length a deputation from their body were enabled, by the assistance of the right hon. Gentleman opposite, to visit Broadmoor, and they then discovered that two out of the four criminal lunatics charged to the Union for several years past might properly have been discharged from custody. One of the cases was so remarkable as to be worthy of the attention of the House. It was the case of a man named John Urey, of Warrington, who was charged at the Liverpool Assizes, August, 1868, with burglary, was found to be insane on arraignment, and directed to be imprisoned during Her Majesty's pleasure. He was certified not to be suicidal, nor dangerous to others, nor subject to epilepsy, and no medical evidence appeared to have been given at any time of his insanity. The felony consisted of stealing a pair of boots, and might probably have been committed whilst under an attack of temporary insanity caused by drink. If the man had been convicted in the ordinary course, he would have been

imprisoned for six or twelve months; but, being treated as a "criminal lunatic," he was committed to Broadmoor in 1868, and had been there ever since, at a cost to the British taxpayer of about £600. His age at the time of commitment was only 19, and he was, therefore, now 29, with the prospect of living many years longer, and but for the outcry raised by the Warrington Board of Guardians, he would probably have remained in Broadmoor until his death, and have cost the country thousands of pounds for his maintenance. There appeared no reason to doubt that on investigation of the case of all the inmates at Broadmoor, other instances of this gross mismanagement might be discovered. When the question was discussed by the Guardians of the Warrington Union, the Chairman said that as rational men they could scarcely believe that a man could be kept in a public building, at the public expense, and yet not a soul on the face of the earth caring anything about him. One of the Guardians said that the case proved the truth of the observation made by the Swedish Chancellor to his son—"Behold, my son, with what little wisdom the world is governed." That was a fair criticism of the conduct of Government officials in this matter, and when it was remembered that Broadmoor was a Government prison under the control of the Home Office, it appeared most probable that the result of the Bill recently passed by the House handing over all the gaols in the Kingdom to the Home Office, would lead to the creation of many abuses in their management, and to a large increase of expenditure.

MR. ASSHETON CROSS said, if he had thought that the Report would form the subject of such remarks as had been made by the hon. Gentleman opposite, he should not have laid it upon the Table. When the Estimate about Broadmoor came before him some years ago, he was told that £12,000 or £13,000 was wanted in order to put the institution on a satisfactory footing, but he refused to ask for such a sum, because he was not satisfied it was worth while spending any more money on Broadmoor until it had been decided what should be done with the institution itself. When the matter came forward again he thought the better plan would

be to obtain information for his own guidance. He believed it was right to associate with the Members of the Council of Supervision a gentleman from the Treasury, another from the Home Office, and a third from the Office of Works, the buildings at Broadmoor having been placed under the care of the latter Department. Their Report was made as a primary step in the investigations of the Home Office under his sanction and entirely at his own wish, in order that the whole thing might be thoroughly considered before an extra shilling was spent upon the place. The Report was made at the commencement of the present Session, and he had not yet had time fully to consider it. He had himself personally visited the place and made himself acquainted with every nook and corner of it, and he hoped to be able before very long to do something which might relieve the country from a certain degree of expense. He agreed that the expense was at present enormous. The hon. Member opposite was wrong in supposing that the inmates of Broadmoor were at all under the control of the Home Office, because practically the asylum was under the direction of the Council of Supervision. How it ever entered into the minds of men, 15 or 16 years ago, to spend a considerable sum of money in buildings such as existed, was a mystery to him; but neither the present nor the late Government was responsible for it. He hoped that before any serious discussion was had on the question another year would be allowed to elapse, and by that time he hoped that he should be able to come to a satisfactory arrangement with regard to it. One word with reference to the Council of Supervision. Those gentlemen devoted themselves to the discharge of their duties to the best of their ability, and had rendered very valuable assistance. A more competent body of gentlemen could not be found, but they had a difficult task to contend with. Comparison had been drawn between Broadmoor and the different county lunatic asylums, but it was difficult to draw that comparison with sufficient regard to all the surrounding circumstances of each case. It was admitted that if lunacy was dealt with in its commencement, the probability was that a cure would be effected; whereas if it were confirmed it would be much more difficult to deal

Mr. Rylands

with it; and that when it had shown itself by criminal acts and had become chronic it was very doubtful whether a cure could be effected at all. The first question that had arisen with regard to Broadmoor was, whether criminals who had become lunatics should be sent there to be mixed with those who had been acquitted on the ground of insanity, and who had, therefore, never been criminals at all; and he had come to the conclusion that this mixture of criminal and non-criminal lunatics should no longer be permitted to continue. One of the first things he did, therefore, on coming into office was to direct that no person who had been convicted of crime should be sent to Broadmoor, notwithstanding his subsequent lunacy. He had limited those directions, however, to the case of men, because there was no other place where the women could be accommodated, but he hoped soon to be able to remedy that defect. The lunatic criminals who had already been sent there would remain, but no more would be sent. The hon. Member had touched upon the question of the number of attendants in that establishment. He much regretted the absence of the hon. Member for Berkshire (Mr. Walter) on this occasion, because he had wished that the hon. Gentleman should have heard his explanation upon this point. He was satisfied that it was owing to the number of the attendants that so much quiet and order was preserved at Broadmoor. It was fallacious to compare the number of the attendants at that establishment with that at ordinary county lunatic asylums, on account of the dangerous character of the lunatics confined in the former. The hon. Member went on to say that a number of persons were detained at Broadmoor who ought to be discharged. It was possible that that might be so, and he had himself directed two of the former inmates to be discharged, on their friends and relations promising to carefully and narrowly watch them. He had paid special attention to this subject lately, and he had become impressed with its difficulties. There was no doubt it was one of the most painful things which anyone in office could have to deal with, that a man, to all appearance perfectly sane, should remain in a lunatic asylum simply because he had no friends to take care of him. On the other

hand, there were many men whom they knew, if let out again, would take to drink, develop the same criminal tendencies, and danger would be the result. As to the expenditure, it would be found that this had been diminished during the last few years. He was happy to say that though the last published Returns showed a cost of £57 per head, in the next one published that amount would be reduced to £54. Although but slightly exceeding the cost at Dundrum, he admitted that these patients still cost more than was absolutely necessary.

TURKEY—BOSNIA—DESPATCH OF
CONSUL HOLMES.—OBSERVATIONS.

QUESTION.

MR. SHAW LEFEVRE, in rising to call attention to the recent Report of Vice Consul Freeman as to the insurgent Christians of Bosnia, and to the discrepancies between this Report and the previous Reports of Consul Holmes; and to ask, Whether the Government will be prepared to direct Her Majesty's Representatives in Bosnia and Herzegovina not in future to use their influence with the Turkish authorities for the purpose of driving the insurgents from the country, but to confine themselves to their duty as agents of a Neutral Power? said, he trusted he might be permitted to detain the House for a few minutes while he referred to a matter of some importance—namely, the action of our Consular authorities towards the insurgent Christians in that most unfortunate of Turkish Provinces, Bosnia, which for nearly three years had been the scene of so much misery, and which was the origin of the present troubles in the East. The House would recollect that some few weeks ago the Under Secretary of State for Foreign Affairs, in answer to a Question as to some alleged massacre in that Province, read at length a despatch from Consul Holmes, which not only denied the specific case alleged, but made general statements as to the condition of the Province, and the nature of the insurrection, and the cause of the exodus of the population, which greatly surprised them. According to this version Europe had been under an entire misconception and delusion as to the nature and causes of the Bosnian difficulty. The insur-

rection was a sham; it was entirely of foreign creation. It was the Turks rather than the Christians who had reason to complain. He would not trouble the House by quoting this letter at length, but would summarize it, in the words of Mr. Holmes, under three heads—1. That the insurrection in Bosnia was nothing more than a brigandage on a large scale, promoted by filibusters from beyond the frontier, which it had pleased Slav sympathizers to call “insurrection.” 2. That the refugees had been induced to fly the country, not by acts of cruelty of the Turks, but to avoid the conflict between their enraged Mussulman neighbours and their filibustering friends from without. 3. That the murders and atrocities committed by the Turks were a dignified form of revenge for similar acts committed by the Christians according to their opportunity, and just as hideous. Mr. Holmes added that, as soon as he was able, he should take an opportunity of urging the Turkish Governor to take steps at once to sweep these bands of brigands out of Bosnia. There was in the last Blue Book another despatch from Consul Holmes, dated March 29, in which he stated that he had acted upon this intention; he had an interview with the Governor General, and urged upon him the necessity of making an effort to drive out Despotovich and his bands. The Governor assured him that preparations were in progress for driving out these insurgents. In the debate which occurred on the general Eastern policy, he had pointed out that the Government had been entirely misled by Mr. Holmes’s statements; no answer was, however, made by the Government, possibly because at the time further inquiries were being instituted by Vice Consul Freeman, who had been directed to proceed to the disturbed districts of Bosnia and to report upon them. A few days ago, a long and interesting despatch from Mr. Freeman was laid upon the Table of the House, containing his Report upon the state of Northern Bosnia and upon the condition of the unfortunate refugees. With respect to some of the alleged outrages, Mr. Freeman stated that he had reason to think that there had been some exaggeration. He (Mr. Shaw Lefevre) did not care for his part to go into the pros and cons of particular cases. He could quote from Consular authority alone

Mr. Shaw Lefevre

enough cases if he wished to make the most damning record against the authorities of Bosnia, sufficient of themselves to account for the insurrection and the flight of the people. What he wanted, however, on the present occasion to point out was, the entirely different version of the state of things in Bosnia as described by Consul Freeman from that of Consul Holmes. Mr. Freeman visited the district in the hands of the insurgents, and he entirely confirmed the account of Mr. Evans. Mr. Holmes had stated that the insurgents were nothing but bands of brigands, who had come across the frontier from Austrian territory. Mr. Freeman stated that the number of insurgents under command of Despotovich might be estimated at about 5,000, almost without exception natives of Bosnia and Herzegovina, who were spread about the country in bands of 200 to 1,000 men each, but who could be assembled at one spot in time of need. Mr. Freeman said that Despotovich maintained the strictest discipline among his men, and no one dared to disobey his orders. Although he would not disdain to carry off a Turkish convoy of provisions, or a caravan of merchants’ goods, he prohibited all petty brigandage and punished severely, on occasion even by death, any wanton murders. Mr. Holmes had stated that the refugees were driven away by a few of these insurgents. Mr. Freeman said—

“Men are not wanting, for every fugitive would be ready to carry arms if it would insure him food; but the insurgents have no means of procuring arms, and would also find it impossible to provision a large force.”

He then went across the frontier to the district where the refugees had found safety. He said—

“From Knin I made an excursion along the neighbouring frontier expressly to verify the state of the Bosnian refugees. They almost, without exception, lack the first necessities of life—shelter, food, and clothing. They either live in huts through which every blast of wind blows and into which the rain penetrates in torrents (he writes at the end of April), or else in holes and caves in the hill sides, crowded together like animals and breathing the most pestilential air. Their clothing barely covers their attenuated limbs, and it was a piteous sight to behold the young children, wan and haggard, shivering in the cold north wind which was blowing the day I was there.” —[*Turkey*, No. 20 (1877), p. 4.]

He then said that although the leaders of the insurgents entertained certain po-

litical notions, the generality of the insurgents and fugitives professed themselves faithful subjects of the Sultan, and regretted what had happened, but said they had suffered too much at the hands of their Beys and the Zaptiehs for them to think of returning to their homes; and an old man, said to have been one of the wealthiest villagers in the neighbourhood of Petrovatz, emphatically exclaimed—

“Ah, Sir, you little know what we have had to put up with, and if my position is not to be bettered I will never return myself, and would sooner kill my children with my own hand than permit them to return.”

He had shown that there was an absolute divergence between Mr. Holmes and Mr. Freeman upon every point. Which was the true account could not be for a moment doubted. Mr. Holmes had never been in the insurgent country or among the refugees, and he took his information solely from the Turks, as, whether rightly or wrongly, he was considered so hostile to the Christians, and had the reputation, as he himself stated, of being such a passionate Turcophile, that no Christian ever went near him. Mr. Freeman described the character of the Mussulman troops and inhabitants as being characterized by unbridled licentiousness, whilst Mr. Holmes declared it was praiseworthy. He found, on looking back at these officers' Reports during the past two years, that there was the same divergence or absolute contradiction between them from the very first. It would much amuse the House if he could be permitted to read extracts from these despatches giving these opposite versions. Mr. Holmes, during that period, had often been absent from Bosnia, to Constantinople and different places, on other work; his pen was then taken up by Mr. Freeman. Mr. Holmes, on the one hand, had constantly and uniformly denied during the last two years that there had been any serious insurrection at all in Bosnia; according to him the insurgents were nothing but foreign bands. To quote one or two passages, on the 10th of March of last year, when most people were under the belief that the disturbances in Bosnia had lasted more than 18 months, Mr. Holmes, in a memorandum addressed to Sir Henry Elliot, wrote—

“The so-called insurrection in Bosnia might be better termed an invasion of bands openly formed in Austrian Croatia and Servia. It has never extended beyond the range of their operations, and cannot be called a popular movement.”—[*Turkey*, No. 3 (1876), p. 40.]

He believed this was written while Mr. Holmes was at Constantinople on special duty; yet a few days before, on the 2nd of March, he found a letter from Vice Consul Freeman, dated Bosna-Serai, in which he spoke of the withdrawal of the Austrian assistance to the refugees, and said—

“But yet I fear it will not influence the return of the refugees to their homes. In every direction the insurgents seem to be animated by the same sentiment—a determination to fight to the last rather than again submit to the Turkish authority.”—[*Ibid.*, p. 18.]

In a few days Mr. Holmes returned to Bosnia, and on the 30th of March he wrote—

“During the few days I have been here I have seen the authorities, and most of the chief men of the place, and I have obtained a conviction that, in spite of all predictions to the contrary, the Christians of this country will not rise in arms unless they are forced to do so by invasion from without. Up to the present moment there has been no insurrection in Bosnia, except on the frontiers, where it has been produced in this manner.”—[*Ibid.*, p. 68.]

Yet Consul Freeman, writing only seven days later from the same place, said—

“The Turks maintain that these armed bands are composed of Austrians, Servians, and even Montenegrins, but I think it more probable that they consist chiefly of the Bosnian refugees, who, finding the means of subsistence failing them, and being pressed by Austria to return to their country, have preferred doing so with arms in their hands.”—[*Ibid.*, p. 78.]

And writing a few days later, he spoke of a force of insurgents 10,000 or 12,000 strong, and on the 12th of March he said of the refugees—

“They unanimously declare that if the Austrian Government withhold all further assistance they will drown themselves in the Unna rather than again subject themselves to Turkish oppression.”

After mentioning several cases of violence and oppression, he said—

“As long as such acts of violence as the above are perpetrated with impunity by the soldiery and native Mussulmans, and such arbitrary conduct permitted by the authorities, it is hopeless to expect a pacification of these Provinces, and I much fear that the new Governor will find himself utterly powerless to strive almost single-handed against such a state of corrupt administration and unbridled licentiousness and crime.”

Now, which of these two authorities were we to believe? He had no doubt himself. Mr. Freeman's accounts tallied with those of every other person who had visited Bosnia during the last two years—Mr. Evans, Mr. Stillman, Miss Irby, and some others—while Mr. Holmes's tallied only with Turkish accounts. He (Mr. Shaw Lefevre) did not say that Mr. Holmes had wilfully misled the House; but he believed that Mr. Holmes was completely under misapprehension as to the state of things in Bosnia, that he saw only with Turkish eyes, and heard only with Turkish ears, and was therefore prevented from taking a clear and candid view of what was taking place in the unfortunate Province. In a letter dated June 6, which he received a few days ago, dated from Knin, in Dalmatia, the headquarters of the refugees in that part, and written by Miss Irby to a lady who had devoted herself most heroically to the relief of these suffering thousands, she said—

"Mr. Holmes's urging the Pasha to send troops to North Bosnia has driven thousands of fresh refugees across the frontier. This very day a crowd of miserable wretches, old women and children, who have been hiding in the woods for days, appeared in Knin, telling the tale of their villages having been burnt by the Turkish troops three weeks ago at Glamosh. All along this frontier fresh refugees are arriving, who have fled before the Turkish troops or have been burnt out of their houses. Is it," she asks, "in accordance with the instructions of the Foreign Office that Mr. Holmes thus urges the Pasha?"

And that was the question which he had now to ask the Under Secretary, and to which he thought he was entitled to a distinct and clear answer. Was it by the direction of Lord Derby that Mr. Holmes took this course? Had his conduct been approved? He hoped most sincerely that the Under Secretary would be able to tell them that the conduct of Mr. Holmes had been disapproved, and that he had been directed no longer to use his energies in this direction. It was by acts of this kind that the English Government was making the name of England to be hated by the Native Christian population. At least, if we could do nothing for these unfortunate people, if the diplomacy of Europe was utterly powerless to rescue them or to obtain any guarantees for them for better government, or for protection against their oppressors, let us do

Mr. Shaw Lefevre

nothing to aid their oppressors by our advice and encouragement. It was not the duty of this country to throw all the weight of its influence and authority on the side of the Turkish Government against these unfortunate insurgents. The very opposite course would be the one which would be dictated both by humanity and by sound policy. We ought rather to have told the Turks not to trouble themselves about stamping out the insurrection in Bosnia, but to send every available man to the Danube, where the real issue was to be fought out. He thought it probable that the Under Secretary would think it sufficient to say that Mr. Holmes had left his post on sick leave. He regretted the cause of his departure, but he could not regret the fact, and he sincerely hoped that some other sphere might be in future found for his activity, when the state of his health permitted. Throughout the East he was recognized as having so thoroughly identified himself with the Turkish Government, that he had practically lost all influence amongst the Christian population, though he (Mr. Shaw Lefevre) was bound to say that he had often fully admitted the misgovernment of the Turks. But it would not be sufficient for the Government to say that Mr. Holmes had come back on sick leave. It was necessary that they should say whether it was by their order or their approval that he had acted. Though he did not know the details, he (Mr. Shaw Lefevre) was informed that Mr. Freeman was now carrying out the same policy in Bosnia as his predecessor—advising the Turkish authorities as to the military operations which they should undertake there; and if there were any truth in that, it showed the necessity for the Government taking some action in the matter. The hon. Gentleman concluded by asking the Question of which he had given Notice.

MR. BOURKE said, he was somewhat at a loss to know what had been the real object of the hon. Gentleman's speech, because he had very carefully guarded himself by saying that he did not mean to bring forward any charge against Consul Holmes, yet, at the same time, he accused him of misinforming the Government and taking part with the Turks against the Christians. Those statements were wholly inconsistent, and if Consul Holmes had misinformed the

Government or taken part with the Turks against the Christians, he had done what was very wrong; but the hon. Gentleman had not brought forward a single fact to show that he had done either the one or the other. He had certainly put forward a statement of Mr. Holmes which in some particulars was not precisely similar to that of Consul Freeman; but he had not shown that the two Consuls were reporting upon the same transaction or at the same date. [Mr. SHAW LEFEVRE: I mentioned the date of every despatch.] Yes, but the dates were all different. The question was, whether the two Consuls were writing at the same time and about the same thing? The great question was, whether there was any intentional design on the part of Consul Holmes to misinform the Government? There was not one tittle of evidence to support such an idea; and if they took the despatches on the Table and compared them very narrowly, they would find that the two Consuls substantially agreed. He would illustrate this by reference to a despatch written in March. The charge with regard to this transaction was that he had misrepresented it to the authorities in this country, whereas Consul Freeman's despatch, when it was perused, substantially agreed with that of Consul Holmes. The first statement was that there had been the massacre of a private wedding party. That was one of the things reported and believed throughout the country, which had been the cause of his being sent to make further reports. He immediately found that "No massacre of any bridal procession, or any similar outrage, had occurred at Glamotch; but about three months ago four Christians, said to be on their way to a wedding, had been killed somewhere in the district of Yaitza, which adjoins that of Glamotch; but he could obtain no precise information on the subject." That was another statement for which Consul Holmes was blamed, whereas Consul Freeman had discovered that the whole thing was a myth. It appeared, then, that the story believed all over England merely came to this—that some time ago four persons were killed on the road. Again, the story about the outraging of women turned out to be entirely untrue. Consul Freeman wrote—

"On the 28th of April I quitted Livno for Otchievo to investigate the outrage on the

inhabitants of that village reported by Mr. Evans I would, however, previously remark how difficult it is to obtain from these ignorant peasants a succinct and consecutive account of what occurred. Their statements were exceedingly contradictory, and it was only after a lengthened interrogatory and careful cross-examination that I could at all make their several stories coincide."—[*Turkey*, No. 20 (1877), p. 2.]

The men examined said that the outrages had not occurred, women were examined who said that girls had not been touched, and Consul Freeman said he had examined girls, of whom only one said that she and three others had been outraged.

"Altogether," as the Consul said, "the evidence was of a very vague and unsatisfactory character, and did not bear the stamp of undeniable truth."

That despatch coincided with the Report of Consul Holmes. He might go through the whole of it, for really every single paragraph showed that the charges brought by the correspondent of *The Manchester Guardian* had turned out to be totally untrue, or, at least, not provable by the evidence that could be collected on the spot. However, he could not blame those correspondents, who heard the stories from the natives and allowed their sympathies to be roused; but he thought that the hon. Member for Reading was going too far when he censured a Consul who had done as much as he possibly could. The hon. Gentleman had access to trustworthy information, yet his credulity was such that he believed what he read in the newspapers. Again, one of the charges most clamorously made against Consul Holmes, was that he had stigmatized the insurgents as "brigands." That assertion had been made not only by Mr. Holmes, but by *The Times'* Correspondent, who took precisely the same view. He said—

"Colonel Despotovich claims a sort of command over a number of small bands established in the mountains; but of the many crimes that have been committed there is none greater than this so-called insurrectionary movement, which is only brigandage on a larger scale."

Those were the words, not of Consul Holmes, but of *The Times* newspaper; he did not know whether they were true; but the House would do a gross injustice to Consul Holmes in supposing that he had come to his conclusion on too little evidence. Besides, there was nothing in Consul Freeman's despatches at all inconsistent with that view. As

for the alleged impalements, he would read some parts of Consul Freeman's despatch—

"In conclusion, I would remark that the result of my late journeys has been to make me more disinclined than ever to put faith in the stories of Turkish outrage and violence. Such stories have frequently, it must be acknowledged, a foundation of truth, but there is such an inclination on the one side to pervert and exaggerate, and on the other to extenuate and palliate, that it is almost impossible to ascertain the real facts. I think, however, that my tour in the north will have produced a very salutary effect in the country, as it has shown the Mussulmans that their actions are watched and that they cannot give vent to their fanaticism with impunity."

Did not that corroborate Consul Holmes? There were many other despatches in which the Consul criticized very severely the folly and wickedness of the Turkish Government, and from which it would be most unfair to pick isolated sentences in order to make charges against him; and yet he had been charged with doing that which it would be most disgraceful for any public servant to do. It had always been possible to say of foreign Governments that their servants told them just what they wished to hear; but that had never been the case with English Consuls or diplomatists, and was not then. They reported only what was true, without caring whether they gave offence or not. All they wanted was that facts should be correctly reported, and nothing could be more injurious to them, or more degrading, than that the House should give an opinion as to the mode or tenor in which Reports were sent. Hon. Gentlemen who chose to do so could read about the alleged impalements in Consul Freeman's Reports, and he must be allowed to say that, to use a mild phrase, those allegations were a mistake. The whole affair would be found to be based upon the report of two Austrian officers, who said that they saw bodies, but at a distance of from two to three miles. That was one of the stories which Consul Holmes did not credit, and he was vilified accordingly; but it turned out afterwards that Consul Freeman came to just the same conclusion. For himself, he was very sorry that the hon. Member had used his high authority to make such charges, and he hoped it was not too late to defend what he believed to be very honest conduct. Consul Holmes had been in the service of the Govern-

ment since 1841, and had performed his duties to the entire satisfaction of all the Governments which he had served, and, certainly, to the satisfaction of the present Government, and they could not do such an unreasonable thing as to complain or disapprove of his conduct because he advised the Commander-in-Chief that bands of brigands were coming across the frontier when his Austrian Colleague was doing the same thing. That matter, however, had passed over, and there was no reason for thinking that Consul Holmes did anything contrary to his duty in recommending the Turkish Government to take steps to drive those brigands across the frontier. The insurgents were as much to blame as the Turks for the untold hardships suffered by the refugees. He did not say they had not suffered immensely, and they had his sympathy; but to say that Consul Holmes did anything wrong in giving that advice to the Turkish Government was not an opinion which Her Majesty's Government felt inclined to adopt. He hoped, therefore, that the House would not disapprove of anything Consul Holmes had done in regard to the refugees. His good name would survive these debates, and the Government did not think he had done anything reprehensible.

MR. DILLWYN said, that the newspaper reports that had been quoted by the hon. Member for Reading (Mr. Shaw Lefevre) had been used only in confirmation of the Blue Books, and as showing the discrepancies that all must admit existed in the statements of Consuls Holmes and Freeman. [Mr. Bourke: As to what?] He understood the gravamen of the charge to be that Consul Holmes had given the Government to understand that the outrages and massacres had been committed by certain refugees over the border, and not in connection with any insurrection at which the Turkish troops were present; whilst Consul Freeman distinctly stated that they were committed by Turks in the presence of Turkish troops. Of the two, he thought the Reports of the latter were more reliable than those of Consul Holmes. The Government should interfere, and say who was right, and endeavour to make the Reports more reliable.

SIR H. DRUMMOND WOLFF said, that last year, when the Bulgarians

Mr. Bourke

atrocities were brought under the notice of the House, the front Opposition benches were anything but full; but that night the whole strength of the late Government was concentrated and epitomized in the hon. Member for Reading (Mr. Shaw Lefevre). Before the Treaty of 1871, by which the late Government had boasted that they had strengthened Turkey, they had announced in that House that the state of the Christians had been much improved, when they were all the time in possession of despatches from Consul Holmes to the effect that their condition was not improved. He wished to ask the Chancellor of the Exchequer, whether any Report had been received from any Consular officer in Asia Minor or the Bulgarian Provinces relative to the extreme severities—he would not call them atrocities—practised by Russian troops in the course of their progress in the Danubian Provinces and in Asia Minor, and especially to certain acts of a most ghastly description committed by Russians on 1,500 families in Soukhoum Kale?

MR. LAING said, that as the Government had arrived at the conclusion that it was desirable to be absolutely neutral in this war, it was a matter of considerable importance that our Consular Agents and Representatives should be enjoined to observe the attitude of strict neutrality, and not place themselves in such a position as to lead to the supposition that they were partizans or enemies as the case might be. They had, however, been trained in the East, since the Crimean War, in the old traditional policy of supporting Turkey at all hazards, and believing in the intrigues of Russia, so that they were not in a position to furnish impartial accounts to a neutral Government, and therefore no blame was to be attached to them. It was, however, now very important that Turkey should not be deluded into the idea that the British Government was working for her support, and besides it was necessary that in this war there should not be a bad feeling created between this country and the belligerents. There was nothing worse against Consul Holmes than that he was under the influence of the Foreign Office and had become a partizan of Turkey, while he ought to see things with his own eyes and give an impartial judgment. No

one could read the Reports without seeing that as between Consul Freeman and Consul Holmes those of the former were substantially accurate. The atrocities committed last year in Bulgaria were denied or palliated by our Consular Agents, until Mr. Baring was sent to the spot, when he discovered that atrocities the most revolting had occurred, and to a considerable extent.

MR. RITCHIE said, that when hon. Members spoke of our Consular Agents being partial or impartial, their idea seemed to be that when they reported against Turkey, they must be considered to be impartial; but that when they reported in her favour, they were considered to be very distinctly partial. The Under Secretary for State for Foreign Affairs had clearly shown that Consul Holmes had on more than one occasion reported against Turkey; and it was necessary in the exercise of his impartiality to report in favour of Turkey when circumstances required that he should do so. The hon. Member for Reading had said—“Why do you not advise Turkey to employ her troops where they would be of more service—to meet the Russians on the Danube—rather than employ them against the insurgents?” but suppose Consul Holmes had really given the Porte advice of this nature, what an outcry would have been raised by hon. Gentlemen opposite! To allege that the Consuls had been partial, was altogether to ignore the facts which had been stated by the Under Secretary of State for Foreign Affairs, and the evidence contained in the Blue Book. The hon. Member for Swansea (Mr. Dillwyn) could not have been in the House when the Under Secretary of State took the despatches paragraph by paragraph, and showed that in their main results there was no discrepancy whatever between the two Consuls.

MR. JAMES thought the remarks of the Under Secretary of State for Foreign Affairs were most unsatisfactory. He was sorry the hon. Gentleman had not held out a hope that some representations would be made with the view of preventing the expulsion of Christians from Bosnia. With regard to the Reports of Consul Holmes and Mr. Freeman, they showed the greatest possible difference in spirit and feeling. Everything seemed to receive a different colour in passing through the minds of these officials. In

order to illustrate the discrepancies between their Reports, he would refer to two despatches, which he held to be extremely conflicting. One was dated the 5th October, 1876, in which Mr. Holmes, writing to Sir Henry Elliot with respect to an alleged case of impalement, said—

“With regard to the astounding statement made to your Excellency by Canon Liddon and his friend, I have to report that neither the Turkish authorities, the Consuls, nor the people here, have ever heard of anything resembling the cruelties mentioned. No statement of the kind has ever appeared in any of the Slav newspapers most hostile to Turkey, and it is quite impossible they could have occurred without immediately becoming publicly known.”—[*Turkey*, No. 1 (1877), p. 494.]

On the 17th of the previous March Mr. Freeman had written to him to the effect that a man had been impaled at Novi, in full view of an Austrian village; that four other persons had been killed, and their heads exposed on stakes; that the master of the Orthodox school at Priedor had been killed, and his head paraded about the streets with drums and bands of music, together with other outrages. He also said that the Austrian papers in Vienna gave the names of officers who witnessed all this. Of the contents of that letter Sir Henry Elliot wrote to the effect, that when authentic accounts of these abominations were received in Europe they must excite the indignation of the civilized world. After all, it would have been more satisfactory if the Under Secretary of State had given the House some assurance that, by means of our Consuls, some effort was being made by our Government to restore some of the 150,000 persons who had been expelled from Bosnia to their homes.

THE ESTIMATES, 1876-7—WRIT AND SEAL OFFICE (IRELAND).

RESOLUTION.

MR. COGAN rose to call attention to the action of the Treasury in omitting to place a Vote on the Estimates for the financial year 1876-7, for the payment of the salary fixed by statute to be paid to the Junior Clerk of the Writ and Seal Office in Ireland, to which office Mr. R. D. Pigot, junior, was appointed on the 20th November, 1875, as directed by the statute 13 Vic. c. 18, s. 33, and the duties of which he still discharges, and to move—

Mr. James

“That such action is inconsistent with the intentions and spirit of of the Act 17 and 18 Vic. c. 94, by which the payment of salaries, declared payable by statute to the holders of certain freehold offices held during good behaviour, were transferred from the Consolidated Fund to the Estimates without any intention of thereby diminishing the security of such payments, otherwise than by subjecting them to the control of Parliament by an annual Vote of the House of Commons.”

The right hon. Gentleman said, that by the 17th & 18th Vic. it was provided that the officers of the Writ and Seal Office should hold their offices at the salaries fixed by the statute and directed to be paid out of the Consolidated Fund. In 1854 these salaries were placed on the Estimates. Later on the Treasury came to the Chief Secretary of the Lord Lieutenant, asking that the superior posts in this office might not be filled up, as it would not be necessary to fill them up in consequence of the possible passing of the Judicature Act. The Chief Secretary, however, declined to take that course, on the ground that they being statutable offices, they must be filled up. Then an attempt was made to induce the Irish Judges not to fill up the offices in question, as they were required to do by the statute. But the Judges declined to do so. And with regard to the Clerk of Writs and the second assistant in the office, the Treasury had therefore been obliged to give way. But the provisions of the Act equally applied to the junior clerk. The words were precisely the same in both portions of the statute, and if the Judges were obliged to appoint the superior officers, as was now admitted by the Treasury, so the masters of the Court—under the same mandatory provisions of the statute—were equally obliged to appoint the junior officer. In the first instance, the Treasury did not say they would not pay the salary. All they originally said was that they would not give compensation. In point of fact, the salary of this officer had been paid for a certain time. Mr. Pigot had thus been acknowledged as the incumbent of an office, the duties of which he had discharged, and was at this moment discharging, and to which he had been appointed in virtue of a statute, and it was therefore monstrous that the Treasury should now refuse to pay the salary. The right hon. Gentleman then entered in great detail into the facts of the case,

in order to show the validity of the appointment of Mr. Pigot, and from that point he passed to the allegation that the late Lord Chief Justice Whiteside had been opposed to the appointment. That allegation he contradicted on the authority of a letter from the late Lord Chief Justice, who had expressed in very vigorous terms his sense of the perfect regularity of the appointment, its exigency under the statute, and his sense of the meanness of the conduct of the Treasury in refusing to place on the Estimates the salaries of clerks who had been duly appointed. The letter said—

“Thus making a precedent which would enable the Treasury officials to cheat all other officials by declining to place their salaries on the Estimates, and leaving the ruined officials with places, but without pay.”

The Lord Chief Justice said emphatically that Mr. Pigot, being lawfully appointed, only a statute could deprive him of the salary of that office to which he was thus entitled. There being great interruption—

Mr. CALLAN asked the Speaker to call Order. He thought that during the speech of the right hon. Member for Kildare, a Member of the Government should preserve Order in that House. [*Cries of “Order, order!”*] He was prepared to name him. [*Cries of “Order!”*] He must protest against the right hon. Gentleman the Judge Advocate General laughing in such a contemptuous manner and disturbing the House during the speech of the right hon. Member for Kildare, with respect to a grievance affecting a meritorious public officer.

Mr. SPEAKER: The right hon. Gentleman the Member for Kildare is in possession of the House, and is entitled to proceed without interruption.

Mr. COGAN resumed, quoting other high authorities to prove that the title of the office holders referred to in his Motion was not intended to be prejudiced in any way when their salaries were transferred from the Consolidated Fund to the Votes of that House. Although apprehensions had at the time it was passed been expressed as to the effect of the Act removing salaries from the Consolidated Fund to the Estimates, it was never contemplated that the Treasury could, at their own caprice, strike those salaries out of the Votes without submitting them, in the first instance, to

Parliament. No other mode of redress was open than that of bringing the matter before the House, and he maintained that there was no precedent for such a case of the salary of an official being withdrawn from the official without any charge being made against him by an arbitrary act of the Executive, on the plea that it was intended to introduce into Parliament a Bill by which the office would be proposed to be abolished. He did not often trouble the House, and he thanked them for the attention with which they had heard him. The course pursued by the Treasury in the case was a clear violation of justice and of law, and he begged, therefore, to move the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House is of opinion that the action of the Treasury in omitting to place a Vote on the Estimates for the financial year 1876-7, for the payment of the salary fixed by Statute to be paid to the Junior Clerk of the Writ and Seal Office in Ireland, to which office Mr. D. R. Pigot, junior, was appointed on the 20th day of November 1875, as directed by the Statute 13 Vic. c. 18, s. 33, and the duties of which he still discharges, is inconsistent with the intentions and spirit of the Act 17 and 18 Vic. c. 94, by which the payments of salaries, declared payable by Statute to the holders of certain freehold offices held during good behaviour, were transferred from the Consolidated Fund to the Estimates, without any intention of thereby diminishing the security of such payments, further than subjecting them to the control of Parliament by an annual Vote of this House,”—
(*Mr. Cogan,*)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

Mr. W. H. SMITH said, the question before the House was simply that of the abolition of a sinecure office, to which no duties whatever were attached. In the new Judicature Bill intimation had been given to the Treasury in 1875, that it was proposed to abolish the office in question, simply because there were no duties in connection with it to be discharged, and the Treasury were supported in the view that the place ought not to be filled up by a Minute signed by the Irish Chief Justice and Chief Baron. As to the complaint that due notice had not been given that the salary of the office would not be

provided, the fact was, that within three weeks of the final act of the Master appointing his son, he had full notice that provision would not be made for his salary in the Estimates of the coming year, and he (Mr. Smith) himself stated to the right hon. Gentleman who now brought forward the matter, that the Treasury did not think it desirable that the office should be filled up, so that fuller or more expeditious notice could hardly have been given. The right hon. Gentleman laid great stress on the argument that good faith demanded that provision should be made for an officer whose salary was transferred from the Consolidated Fund to the Estimates, and he did not wish to controvert the principle thus laid down. But considering that the office had become vacant, that it was known beforehand that Parliament would be asked to abolish it, that there were no duties connected with it, and that the two principal Judges—the Chief Justice and the Chief Baron—had recommended its abolition, he thought the Treasury would have been wanting in their duty to the Public Service if they had not taken the course which they had done. Under these circumstances, he hoped the Motion would not be persevered with.

SIR COLMAN O'LOGHLEN asked how long the office would be kept open. It involved a legal question which he would like to submit to legal opinion. In his view, the Treasury were bound to fill up the office, and in doing that were bound to make provision for it in the Estimates. The matter rested on the construction of a statute, and the Secretary to the Treasury had last year consented that the point should be submitted to the Law Officers of the Crown—whether the Master of the Court of Exchequer was bound to fill up the office of junior clerk. That, however, had not been done. He now made this proposition to the hon. Gentleman—that the question should be submitted to the Law Officers of the Crown in England or Ireland.

MR. GOLDNEY observed, that so far as he could make out, the place was an absolute sinecure. If the Treasury were to discharge any duties at all, this was surely one of them, seeing that, as guardians of the public purse, they were bound to resist expenditure of money for sinecure offices. When the respon-

sible officials had written to the Lord Lieutenant to apprise him that there were no duties to be performed by this functionary, the Government had no alternative but to decline to put the item on the Estimates.

MR. LAW held that so long as the statute referred to was in force the office should be filled up. When the charge of the salary was transferred to the Parliamentary Vote, it never could have been intended to place the officer's salary entirely at the mercy of the Government to make provision in the Estimates, or not, as they might think fit. The real question was whether the Government, without seeking the abolition by statute of a statutory office which they thought no longer necessary, and to which a fit person had been legally appointed could properly withhold from the consideration of Parliament the Vote for the salary of the officer. The question of providing the salary was one which, at any rate, should have been referred to the Law Officers of the Crown as had been proposed to the Government. He must say he thought the course taken by the Treasury was an unconstitutional one.

MR. HERMON remarked that this was not a question merely as to a small sum of money. It was a question of principle. The Treasury, as custodians of public money, were bound to discountenance payments for sinecure offices, be the sum small or large. They had been informed by two of the highest authorities, and who were the best judges on the point, that the office in dispute was unnecessary. ["No, no!"] He said, Yes; and, that being the case, it would have been wrong to continue it.

MR. BUTT agreed that it was a question of principle, and not one of the expenditure of £250 a-year; but he thought the principle involved had not been correctly stated by the last speaker. Throughout the whole of the correspondence it had never been hinted that the office had been a sinecure. The ground taken was altogether different. The Government said—We intend to make an Act of Parliament, by which it is intended to make extensive modifications in the Judicial Staff in Ireland, and in those changes this office will be in our way, and we will not fill it up. But had the Treasury the power to do such a thing? He contended that they had not. The members of the Judicial

Mr. W. H. Smith

Staff were appointed by Act of Parliament, and while the Act remained unrepealed, it was idle to say the office was unnecessary. They had, in fact, assumed the powers of Parliament, and if they were at liberty to say of this small office that it was not to be filled up, they might come to the same decision respecting any other office.

MR. M'CARTHY DOWNING insisted that the appointment was legal, and the holder was entitled to be paid. The whole question amounted to this—had the Treasury the right to repeal an Act of Parliament? It was not merely an Irish question, but involved interests all over the Kingdom.

SIR MICHAEL HICKS-BEACH said, that he must take exception to the arguments of the hon. and learned Member for Limerick (Mr. Butt), who had contended that action had been taken by the Treasury on their own authority, on the assumption that a Bill before Parliament would become law; and that the action of the Treasury would justify them in practically abolishing any other office. It ought to be borne in mind that there was a great difference between refusing to continue on the Estimates the salary of a person already holding an office, and refusing to place on the Estimates the salary of a person newly appointed to an office. The latter was what the Treasury had done in the present instance. It was also clear that the duties of this office were, if the Judicature Bill did not become law, so slight as to render it almost a sinecure. That opinion was not merely that of the Government, but was also the result of an inquiry held in 1875 by two gentlemen appointed by the Lord Chancellor of Ireland. The Report that followed that inquiry induced the Lord Chancellor to advise the Lord Lieutenant not to fill up the office of Clerk of the Writs and Seal when it became vacant. The Lord Lieutenant would not, in fact, have filled up the office had it not been discovered some months later that the signature of the holder of that office must necessarily be appended to certain legal documents. Consequently the second clerk was temporarily promoted in order that a needless burden should not be put on the public purse. Then the Chief Justice of the Queen's Bench and the Chief Baron, acting in accordance

with a statute which they considered binding upon them, appointed Messrs. Bush and Burke to the office of first and second clerks. But the Chief Justice expressed his opinion that the office of junior clerk ought not to be filled up. The Chief Baron said he considered he had no jurisdiction in the matter; but he had authorized him (Sir Michael Hicks-Beach) to state, that nevertheless he thoroughly agreed with the Lord Chief Justice of Ireland that it was not necessary to fill up the office of junior clerk. However, two out of the three Masters took it upon themselves to fill up the office by appointing to it the son of one of them, and as reference had been made to nepotism, he might remark that all three clerks, including this young man, were near relatives of Masters or ex-Masters of the Courts of Law in Ireland. There was nothing in the action taken by the Treasury to warrant the argument that salaries were not permanent under existing arrangements. Under the present system the clerks of the First Law were as free from undue interference on the part of the Treasury as they were when their salaries were placed on the Consolidated Fund. All that the Treasury had done was to try to prevent, as far as they were able, an unnecessary office being filled up, and to take care that an unnecessary burden should not be imposed on the public purse by a transaction to which, in his judgment, a much shorter term might be applied.

MR. SERJEANT SHERLOCK said, the late Lord Chief Justice Whiteside, in a letter dated the 13th June, 1876, on this subject, expressed a strong opinion as to the "meanness incredible" of the Treasury. The letter further stated that the appointments were signed by the Chief Baron and himself; that—

"He had had a conversation with Beach, who had told him that the office was to be abolished, and it was upon that he had agreed.

The matter had not been dealt with on one consistent principle, for on the 26th of October, 1875, the right hon. Baronet had written a letter in which he had said that it was illegal not to appoint, as the office was a statuteable one, and had to be filled.

DR. WARD said, that though the point at issue involved a salary of no

more than £250 a-year, the debate had been very instructive, and had shown how eagerly lawyers resented any reduction of official salaries. Here was an office which the Judge himself had not thought it necessary to fill up; but when that had been done, and the Treasury had refused to pay, they were assailed by lawyers on both sides. But if they voted for economy, they would vote that a man who had nothing to do should not be paid, and that was one of the first and soundest Constitutional principles. In fact, the whole question was, whether they should pay a man who did no work. When the Government had the courage to oppose such a Motion, they ought to be supported by the independent Members.

THE O'CONOR DON remarked that if it were a question of abolishing offices to which no duties attached he should agree with the hon. Member; but the point that had been debated was, whether the Treasury alone had the right to decide that the salary of an officer, who had been duly appointed, should be stopped. Two superior Judges had been abolished by the Bill, but their salaries had been put into the Estimates, while those of the junior officers had been left out. The Government had acted without bringing the question before Parliament, and that was what he and his Friends complained of.

Question put.

The House *divided*:—Ayes 227; Noes 38: Majority 189.—(Div. List, No. 227.)

RUSSIA—HON. COLONEL WELLESLEY
—MILITARY ATTACHE.

OBSERVATIONS.

GENERAL SHUTE rose to call attention to the case of Lieutenant Colonel Wellesley, Military Attaché at St. Petersburg. He said were it not for the absence of his noble Friend the Member for Haddingtonshire (Lord Elcho), the sad cause for whose absence they all so much regretted, the question he had to submit to the House would have been in much better hands; but, fortunately, it was a simple question of justice, or, in his opinion, of gross injustice, that he had to bring before the House. It was a very cruel one, of the supersession of eight or nine officers of

Colonel Wellesley's own regiment, to say nothing of a vast number of lieutenant colonels of the Line. Six years ago, an old and lamented friend, an officer of high standing, of considerable military experience, and of tried tact and discretion in his relations with foreign officers, having been military secretary to the general commanding the Army in the Crimean War, was succeeded in his somewhat difficult and delicate position as military attaché at St. Petersburg by a young officer of eight years' standing—a subaltern in the Guards. With regard to this young officer, undoubtedly he was an officer of great intelligence, and very painstaking. He was for some considerable time adjutant of one of the battalions of the Guards, and no one was appointed to that very responsible post that did not most fully merit the appointment. Lieutenant Colonel F. Wellesley, at the age of 18 was appointed to the Rifle Brigade, and in the same year (1863) he was removed to the Coldstream Guards, making him a lieutenant in the Guards and captain in the Army. In April, 1875, he was promoted without purchase to a company in the Guards, making him lieutenant colonel in the Army. When he was first appointed military attaché at St. Petersburg, being a subaltern in the Guards and captain in the Army, it did not affect his promotion; but the appointment of a military attaché, if held by a lieutenant colonel for five years, gives him the rank of a full colonel in the Army, but whether rightly or wrongly it was not for him to discuss. He thought it no qualification, and in this case it was most unjust, seeing that when the Guards were brigaded together, Colonel Wellesley would probably take the command over the heads of those who had fought and bled in the Service when he was a mere child.

MR. MONK rose to Order, and asked whether it was not the rule that military matters could only be brought on before going into Committee on the Army Estimates?

MR. SPEAKER said, that such was the rule, but that it only applied to Motions when Supply was the first Order of the Day. That had not been the case to-day, and the hon. and gallant Member was therefore in Order.

GENERAL SHUTE said, he was about to state that when Colonel Wellesley at-

Dr. Ward

tained the rank of lieutenant colonel, certain officers of the Coldstream Guards went to the Horse Guards and strongly expostulated, because if, by any accident, he was continued in his position as military *attaché* beyond the regulated period of five years, and completed his second five years, he would supersede all the older officers in the Coldstreams. They received a positive promise, that he should return to his regiment when his five years was expired. Instead, however, of rejoining his regiment in July, when his term of Staff service expired, he had been allowed to continue. And with what result? He would actually supersede officers in his own regiment, the Coldstream Guards, who were not only in the Army, but fighting for their country when he was but nine years old. The services of Colonel Wellesley, who first entered the Army in 1863, could not be compared with that of these other officers of his regiment, who had distinguished themselves by their services in the Crimea and in India. Yet if the present arrangement were allowed to continue, he would within the next five years become a full colonel, and with that Army rank rejoin his regiment in 1880 superseding when in brigade the older officers referred to, never having commanded even a company, and having been nine years absent from his regiment, and receiving full pay while other officers had been doing his duty. He held in his hand the records of services of some of those who he thought likely to be thus hardly treated, but at that very late hour he would not trouble the House by reading all. One of these officers—Lieutenant Colonel Fitzroy Fremantle—joined the Army in August, 1854; he was captain in 1857, and lieutenant colonel in 1870. He was in the Crimea from November, 1854, to July, 1855. He was engaged in the Quarries on the 8th June, and at the Redan on the 18th of June, where he was wounded. He was afterwards all through the Indian rebellion, and at the capture of Lucknow was mentioned in the despatches. Colonel Wellesley, on the other hand, had not—and it was a misfortune for which he was not to blame—seen a shot fired; and although it might be said as a justification for conferring this appointment on Colonel Wellesley, that he had taken great pains in learning the Russian language, yet

if the appointment had been offered to other officers of great military experience, would they not have done the same? As a matter of fact, however, French was the language used at the Russian Court. It would also be said, and with truth, that it would be inconvenient to move Lieutenant Colonel Wellesley at the present time; but was such the case last July; or, if so, why was he, at that period, offered the appointment of Consul General at Warsaw? He reminded his right hon. Friend the Secretary of State for War, that in Committee on the War Estimates last Session, he pointed out that the military *attachés* at St. Petersburg were underpaid, and now it appeared that the result was that only comparatively rich men could take the appointments, and that they could thus indirectly purchase a higher step of rank than was ever before purchaseable. He thought Colonel Wellesley ought to be ordered to rejoin his regiment, and should not be permitted to supersede men who were in every respect excellent officers, and of whom the Army had every reason to feel proud. They had received a most positive promise, that they should not be superseded in this way, and he hoped, therefore, that the Secretary for War would make arrangements for Colonel Wellesley giving up his present appointment, and returning to his regiment at an early date, so that this injustice might not be inflicted on the senior officers of the Coldstream Guards.

COLONEL MURE, as an old Guardsman, expressed a hope that the Secretary of State for War would see fit to do justice in this case. It was one which had created a very great deal of scandal not only in the Coldstream Guards, but throughout the whole Army. Certain officers of that regiment had stated that they had received a distinct promise from the right hon. Gentleman. [Mr. GATHORNE HARDY: No.] He must repeat that an allegation had been made by men of the highest honour, and of standing and distinction in society, that a distinct pledge was made to them by the right hon. Gentleman, that Colonel Wellesley should not be made a colonel over their heads. The right hon. Gentleman denied that he had made such a promise; and if that were so, he must have been very ambiguous in his expressions, because the gentlemen referred

to, who were treated in this unjust manner, were incapable of attributing to the right hon. Gentleman language which he had not used. At any rate, the matter ought to be cleared up. This young officer, Colonel Wellesley, was a man of the highest social position, and possessed great family influence. He had only had eight years' service, and yet he was appointed over the heads of men of great experience and ability. He believed if the Rules of the House permitted a division to be taken on the question, it would be shown that the House entertained a strong sense of the injustice with which those officers had been treated.

SIR WALTER B. BARTTELOT believed that the promise which had been referred to had been made not by the right hon. Gentleman (Mr. Hardy), but by either the Military Secretary, or by His Royal Highness the Commander-in-Chief. The rule was, that no officer should remain on the Staff for more than five years, but this rule was being continually broken. He thought that at the present time the House would not call upon Colonel Wellesley to return to this country, as he was now in a most difficult and delicate position; but he hoped they would have some assurance from the Secretary for War that the five years' rule should not be broken. He very much regretted the question had not been raised a year and a-half ago, when it might have been decided upon its merits.

SIR HENRY HAVELOCK said, that so long as Colonel Wellesley was retained in his present position, he was the cause of great hardship to many deserving officers, by standing in the way of their promotion. When he became captain and lieutenant colonel, he passed over the heads of 900 majors of the Line, and two years and a-quarter hence, when he would become full colonel, he would pass over the heads of 920 field officers. All those officers had been serving their country in times of war and peace, while Colonel Wellesley had been enjoying appointments which could not be said to be of a very arduous and difficult nature. He hoped that the right hon. Gentleman would give an assurance that at the termination of the war Colonel Wellesley would be allowed to revert to his regiment.

CAPTAIN NOLAN thought this discussion inopportune, as it would weaken Colonel Wellesley's position at the pre-

sent critical time. He would advise the House to remember President Lincoln's saying that it was not desirable to "sweep horses when crossing a stream."

MR. GATHORNE HARDY said, it was not always easy to find officers fitted for the appointments of military *attaché*. The appointment of Colonel Wellesley (then Captain Wellesley) was made in 1871, and in reply to a Question put to Lord Enfield, at that time Under Secretary of State for Foreign Affairs, that noble Lord replied that previous to the appointment, eight officers had been sounded as to whether they would accept the post of military *attaché* at St. Petersburg, but for various reasons they all refused. The points which the hon. and gallant Member for Sunderland had referred in connection with the double rank held hitherto by officers of the Guards was a matter quite distinct from that of the appointment to the post of military *attaché*. He did not suppose it would be said that if a fit officer for the post was found in the Guards he ought not to be appointed. A military *attaché*-ship was a qualifying appointment which enabled a lieutenant colonel to become a colonel, and there was therefore nothing unusual in Lieutenant Colonel Wellesley's obtaining it. Besides, he was well fitted for the post, being not only an able officer, but an accomplished linguist, able to speak Russian; while as to his period of service, the office of military *attaché* was not necessarily limited to five years, and it was agreed on all hands that, although he had been appointed in 1871, it would have been injudicious to have removed him last year, when events in the East of Europe took such an important turn. Of course, this argument applied with redoubled force to his retaining his post at the present juncture. He was not aware that any promises had been made on the subject of appointments; but if that were the case, they must be subject to the approval of the Secretary of State. The renewal of Colonel Wellesley's appointment in 1876, was not, in reality, a renewal. Having been appointed in 1871, he continued to serve until 1876, when his service became more important than before, and therefore was continued in his office; but whether he was to be continued for the whole period was a matter for the consideration of the authorities. He was quite satisfied that Colonel Wellesley

had done work for the country with which it ought to be well satisfied.

Main Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred* till *To-morrow*, at Two of the clock.

GAME LAWS (SCOTLAND) AMENDMENT BILL.

CONSIDERATION OF LORDS' AMENDMENTS.

Motion made, and Question proposed, "That the Lords Amendments be now taken into Consideration."—(*Mr. M'Lagan*.)

SIR GRAHAM MONTGOMERY asked the hon. Member for Linlithgowshire (*Mr. M'Lagan*), who had charge of the Bill, whether he was willing to accept the Lords' Amendments?

MR. M'LAGAN replied that he was, provided a few verbal alterations were made.

SIR ALEXANDER GORDON thought it right that the House should know that the Amendments very much altered the principles of the Bill, the presumption of the law now giving the game to the landlord, as it did before.

Question put.

The House *divided*:—Ayes 131; Noes 27: Majority 104. (Div. List, No. 228.)

Amendment proposed, in the Preamble, to leave out lines 5 and 6, read a second time.

Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr. M'Lagan*.)

MR. PARNELL appealed to the hon. Gentleman who had charge of the Bill not to press it to-night, especially as most hon. Members, he believed, were ignorant of what the Amendments were. He therefore moved the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Parnell*.)

THE LORD ADVOCATE hoped the Consideration would not be pressed.

MR. M'LAGAN said, the Bill was more in favour of the tenant since it

had come from the Lords than it was before.

Question put, and *agreed to*.

Debate *adjourned* till *Thursday*.

WINE AND BEERHOUSE ACT (1869)

AMENDMENT BILL—[BILL 177.]

(*Mr. Staveley Hill, Mr. Mundella*.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR WILLIAM HARCOURT said, that the Bill proposed considerable changes in the system of licensing, and he objected to its being taken at that time of night.

MR. MUNDELLA said, he intended to move in Committee that it be simply a suspensory Bill for one year. Considering a Lords' Committee was investigating the whole question, it was desirable there should not in the meantime be an immense multiplication of these licences over which there was no jurisdiction.

LORD FREDERICK CAVENDISH moved the Adjournment of the Debate.

Motion *agreed to*.

Debate *adjourned* till *Wednesday*.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the year ending on the 31st day of March 1878, the sum of £20,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock.

Committee to sit again upon *Wednesday*.

House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Tuesday, 10th July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Factors Acts Amendment * (140).

Select Committee—Report—Local Government
Board's Provisional Orders Confirmation (Ar-
tisans and Labourers Dwellings) * (139).

Committee—Report—New Forest * (129).

Report—Local Government Board's Provisional
Orders Confirmation (Joint Boards) * (131).

ARTIZANS AND LABOURERS' DWELL-
INGS ACT—DEMOLITIONS IN FETTER
LANE.—OBSERVATIONS.

THE EARL OF SHAFTESBURY de-
sired to call attention to the accounts
which had appeared in the newspapers
of the hardships that had been inflicted
upon the poorer class of inhabitants of
Blewitt's Buildings, in Fetter Lane, in
consequence of their eviction from their
dwellings for the purpose of the improve-
ments about to be made in that district
under the Artizans and Labourers'
Dwellings Act; and wished to know
whether the attention of the Government
had been called to the subject?

EARL BEAUCHAMP, in reply, stated
that in consequence of these statements
in the newspapers an inquiry had been
made, the result of which did not bear
out their statements, which were more
picturesque than accurate. He had not
any detailed information as to the num-
ber of persons who were affected by the
scheme; but the district was scheduled
in the Act of last year, and the notices
had been duly served upon the inhabi-
tants of Blewitt's Buildings—to which,
however, they paid not the slightest at-
tention. The attention of the Sanitary
Committee of the Commissioners of
Sewers had been directed to the dis-
graceful condition of these buildings;
and on the 12th of June last the Sani-
tary Committee reported that the place
was notorious for some of the worst
offences against the sanitary law, and
was a standing disgrace owing to the
conduct of the tenants, who had set the
owner at defiance. The Commissioners
directed their clerk to refer at once to
the freeholder, and direct him to put the

buildings in order without any further
delay; but the powers given by the Ar-
tizans Dwellings Act had not been put
in force, in consequence of the owner
having undertaken to pull the houses
down within three months. However,
nothing had been done, in consequence
of the persistent refusal of the occupiers
to turn out, and the nuisance had be-
come so great that it was necessary for
the sanitary authorities to take action in
the matter. The usual three months'
notice was given to the tenants; but
they had either forgotten it, or set it
altogether at defiance. The principle of
the Artizans and Labourers Dwellings
Act was that the inhabitants of all
houses which were a source of danger
to themselves or their neighbours should
be compelled to leave them; and he did
not think that those who set themselves
in absolute defiance of the law deserved
any sympathy at the hands of their
Lordships.

NAVY—H.M.S. "INFLEXIBLE"

OBSERVATIONS.

THE DUKE OF SOMERSET said, that
a Question which he had intended to
put to the Government that day with re-
ference to the *Inflexible* had been fore-
stalled by the decision of the Govern-
ment to have the vessel's stability tested
by the calculation of a Commission or
committee of experts. Under these cir-
cumstances, he would only point out that
it was very desirable when this problem
was submitted to scientific men that the
data upon which they were to proceed
should be thoroughly understood, be-
cause he rather suspected that some
misunderstanding on that point was the
cause of the difference of opinion which
at present existed between the Admi-
ralty on the one hand and Mr. Reed and
his followers on the other.

THE DUKE OF RICHMOND AND
GORDON assured the noble Duke
that the Commission about to be issued
would consist of gentlemen who were
perfectly competent to deal with the
subject, and who were in no way con-
nected with the Admiralty. The *data*
upon which they would proceed would,
he trusted, be such that when the re-
sult of their deliberations was made
known, the public mind would be per-
fectly satisfied.

NEW FOREST BILL—(No. 129.)

(The Lord President.)

COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

THE DUKE OF SOMERSET said, that having on the second reading stated his objections generally to the Bill as injurious to the interests of the Crown, he did not propose now to raise any objection to the clauses.

House in Committee accordingly; Bill reported, without Amendment; and to be read 3^d on Thursday next.

House adjourned at half past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 10th July, 1877.

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS IV.

WAYS AND MEANS—considered in Committee—Resolution [July 9] reported.

PUBLIC BILLS — Ordered — First Reading — Consolidated Fund (£20,000,000) *.

Second Reading—Contingent Remainders * [152]; Exoneration of Charges * [151].

Second Reading—Committed to a Select Committee—Public Health (Ireland) * [116].

Considered as amended — Oyster and Mussel Fisheries Order Confirmation * [222].

Third Reading—Tramways Orders Confirmation (Barton, &c.) * [218]; Registered Writs Execution (Scotland) * [183]; Public Works Loans (Ireland) * [139]; Companies Acts Amendment (No. 3) * [238]; Provisional Orders (Ireland) Confirmation (Holywood, &c.) * [192]; Legal Practitioners * [43], and passed.

The House met at Two of the clock.

QUESTIONS.

INLAND REVENUE—SPIRITS IN BOND.
QUESTION.

MR. O'SULLIVAN asked Mr. Chancellor of the Exchequer, If the operation of racking the same parcel of spirits in bond has been repeated several times in the bonded warehouses at Belfast; and, if so, whether this repetition of opera-

tions be in accordance with the Customs regulations on that subject; and, if the expense of the officers attending such operations are borne by the Government; and, if so, was that expense included in the thirteen thousand pounds which the Government admit was lost to the Revenue during the past year in one store alone?

THE CHANCELLOR OF THE EXCHEQUER: There is some little confusion between the operation of the Inland Revenue, I think, and the Customs. On the whole, it seems to me that it would be more convenient to the House, and to those who take an interest in this subject, that I should call upon the Chairman of the Board of Inland Revenue and the Chairman of the Customs to prepare a joint Report, stating exactly what has been done in this matter, and what is to be done. That Report will be prepared, and I shall be able to lay it on the Table of the House. I believe that, with reference to this particular question, there is no doubt that the operation of racking the same parcel of spirits in bond has been repeated several times in the bonded warehouses in Belfast, the object being, as stated by the operators, the improving and maturing of the whiskey. But as soon as it was discovered that the removal of the empty casks, after these racking operations, afforded the opportunity of abstracting the small quantity of spirit in the cask, and that a constant repetition of the process would eventually bring up the amount of duty thus lost to the revenue to a considerable sum, the Government placed themselves in communication with the Inland Revenue, and issued orders on the subject. With regard to the expense, I may say that the expense of the officers attending the operation in the warehouse during the legal hours of business is borne by the Crown, but after legal hours it is borne by the merchant. With regard to the £13,000, that belongs to the Inland Revenue, and the Government know nothing about it. I think it will be most convenient that we should have a general Report on the subject.

EDUCATION DEPARTMENT—CONFERENCE ON DOMESTIC ECONOMY, BIRMINGHAM.—QUESTION.

MR. MUNTZ asked the Vice President of the Council, If it be true that

the Committee of Council on Education have forbidden Her Majesty's Inspectors of Schools to attend the Conference on Domestic Economy to be held this month at Birmingham; and, if so, if he would state why?

VISCOUNT SANDON: We are sorry to be unable to meet the wishes of the Conference and to sanction the attendance of our Inspectors there. But, in the first place, it is held at one of the busiest seasons of the year, when many of the schools are waiting for grants which depend upon the Inspectors' visits, while, as the holidays are approaching, the visits cannot be deferred. Beyond this, so many of these Conferences on education matters are now held concerning subjects on which we have afterwards to consult our Inspectors, that we have laid down a general rule to discourage the attendance of these officers at such meetings, where they would be committed upon subjects respecting which afterwards we should wish to have the advantage of their unbiassed judgment. I need hardly assure my hon. Friend that I am quite as anxious as he is that domestic economy should be well taught in our schools, and I shall look with interest to hear the result of the important Conference proposed to be held in Birmingham.

NAVY—ENGLISH OFFICERS IN THE TURKISH SERVICE.—QUESTION.

MR. W. WHITWORTH asked the Secretary to the Admiralty, If he is aware that a Chief Engineer of the Royal Navy on retired pay is at present serving the Turkish Government on board of the frigate "Memdouhiye," now lying in the Victoria Dock, Blackwall; and, whether this double service is in accordance with the orders of the Admiralty regulating the observance of a strict neutrality during the war between Russia and Turkey?

MR. A. F. EGERTON, in reply, said, that Mr. Smylie, the officer referred to, was granted leave of absence in April last, in order that he might accept employment with a firm of eminent English engineers in Turkey. The Admiralty had only that day learned that he was at present serving in a frigate belonging to the Turkish Government. An intimation had at once been sent out to him that he must either

resign his position under the Sultan, or be struck off the English *Navy List*.

RUSSIA AND TURKEY—RUMOURED INTERVENTION.—QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, Whether there is any ground for the statement in "The Ruski Mir" (Russian Journal), that "there is reason to believe that the new French Cabinet have agreed with England as to naval operations in the East;" and, whether, if not now convenient to reply to the Question as to which, if any, European Power, except the Papacy, approves or will support the policy of Her Majesty's Government in restricting the operations of Russia in this war, he will reply thereto before the end of the Session; and, if so, when?

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I hardly know how to look upon Questions of the sort which the hon. Gentleman puts. I cannot help thinking that Questions put in this House are really of an important character, and that they attract some attention both at home and abroad; and, therefore, it would be desirable that hon. Members who have Questions to put should take some little trouble to ascertain whether there is ground for putting those Questions, and should not, whenever they see anything in the newspapers, put it upon the Paper in this House in order to ask Questions of the Government. With regard to the first Question of the hon. Gentleman, I feel some difficulty in answering it. He wants to know whether there is any ground for a statement by a Russian journalist that "there is reason to believe" so and so. Well, I do not know what ground the Russian journalist may have had for having "reason to believe" what is here stated; but I can only say that, so far as the Government here are acquainted with the subject-matter, no communications of the character that seem here to be glanced at, have taken place. There have been no agreements with either the new French Cabinet or the late French Cabinet with regard to naval operations in the East. These are matters which appear in newspapers as surmises, guesses, or conjectures; and I do not think there is any ground for them at all. At all events, there is

Mr. Muntz

no ground for the allegation of such an agreement as is here spoken of. With regard to the second Question, I really must decline again to enter—at all events in the form of an Answer to a Question put in this way—into a discussion of the policy of Her Majesty's Government and the views which other Governments may take upon the subject.

NAVY—THE NAVAL COLLEGE SITE— DARTMOUTH.—QUESTION.

SIR FREDERICK PERKINS asked the Secretary to the Admiralty, Whether there is any truth in the statement which appears in "*Mayfair*" of to-day (the 9th instant), and which purports to be given on the authority of the trustees of the Mount Boon Estate, Dartmouth, that the Admiralty has been informed that the estate is not for sale; and, if so, what steps the Admiralty propose to take in order to carry out the intentions of the Department, announced by him on Monday, of adopting the recommendations of the Committee of Selection, and erecting a Naval College on the Mount Boon Estate?

MR. A. F. EGERTON: There is no truth in the report in the paper to which the hon. Member refers that the Admiralty has been informed that the estate is not for sale. The fact is that the Master of the Rolls has given his sanction to the negotiations; and the site will be kept open for acceptance or refusal till the end of the present Session.

SIR FREDERICK PERKINS: I have seen the solicitor to the trustees of the estate, and he assures me positively that the statement in *Mayfair* is perfectly true.

MR. A. F. EGERTON: Perhaps the hon. Member will allow me to read a letter from the solicitor to the property, dated the 31st May. I have seen him during the last few days, and he has confirmed what it states. He writes to this effect—

"As the Dartmouth site was, so it is and so it will be. The Master of the Rolls gave his sanction to the negotiation, and so it remains."

THE SOUTH AFRICA BILL.

MR. E. JENKINS gave Notice that, on going into Committee on the South Africa Bill, he would move—

"That this House, while approving generally of the principle of this Bill and of the Con-

federation of Colonies which are contiguous and associated in interest, regrets that no sufficient reason has been given by Her Majesty's Government whereby the initiative of a scheme of Confederation should proceed from the Imperial Government, and not from the Colonies themselves."

MR. W. E. FORSTER: I wish to ask the right hon. Gentleman a Question of which I have given him private Notice with regard to the further progress of the South Africa Bill and the Supplemental Vote in reference to the annexation of the Transvaal. The Under Secretary for the Colonies, in moving the second reading of the Bill yesterday, said a further explanation had arrived from Sir Theophilus Shepstone with regard to the grounds on which he has annexed the Transvaal; and the hon. Gentleman informed the House that that statement received the full approbation of the Government. I beg, therefore, to ask the right hon. Gentleman, Whether there will be any objection to the production of that despatch, as the House certainly ought to be acquainted with its contents; and, whether he will allow it to be circulated either before the Vote is taken, or before a further stage is asked for the Bill?

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman has only just now given me Notice of the Question, and I have not been able to see my hon. Friend the Under Secretary, or Lord Carnarvon. I believe, however, that further communications have been received. I will ascertain what they are, and I have no doubt we shall be able to lay them on the Table before the Vote is taken, and the Bill advanced another stage.

MR. MUNTZ inquired, Whether there would be any objection to lay upon the Table a map representing the annexation?

THE CHANCELLOR OF THE EXCHEQUER: I will see whether that can be done.

THE MAGISTRACY (IRELAND) — MR. WILLIAM ANCKETELL.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If he can state what has been the decision of the Lord Chancellor of Ireland in reference to Mr. W. Ancketell, J.P. D.L. as affected by certain evidence elicited on the recent trial of *Hawkes v. Ancketell* in the Irish

Court of Queen's Bench; and, if he will lay upon the Table Copies of any Correspondence on the subject?

SIR MICHAEL HICKS-BEACH: The Lord Chancellor has very carefully considered this subject; but he wishes it to be clearly understood that in doing so he has not taken into account the fact of the verdict obtained by Mr. Hawkes in his action against Mr. Ancketell, there being a motion for a new trial pending in that case. Other matters appearing in the evidence reported to have been given upon the trial, the Lord Chancellor wrote to Mr. Ancketell for an explanation. On receiving a reply, he made further inquiry, and as the result, has come to the conclusion that it is his duty to supersede Mr. Ancketell in the commission of the peace. If the hon. Member wishes to move for the Correspondence, I will consider whether it can properly be laid on the Table.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CIVIL SERVICE ESTIMATES—THE EDUCATION VOTES — DEPARTMENTAL STATEMENT — PARLIAMENT — RULES AND PRACTICE OF THE HOUSE.

VISCOUNT SANDON said, a feeling was entertained in many quarters of the House that it would be more convenient before going into Committee to submit his Education Statement. It was thought further that it would be better to embrace in that Statement all the various Departments that came within the control of the Education Department. Before entering upon the subject of elementary schools he felt that he should be doing very wrong if he did not recall to the recollection of the House the great public loss they had sustained by the death of a very distinguished man—one of the founders of the present educational system—Sir James Kay-Shuttleworth. It was impossible for anyone who had watched the growth of our educational system in the present generation not to feel that he was one of those who took a great part in the satisfactory work that had been done—

Mr. Sullivan

MR. W. E. FORSTER rose to Order, and pointed out that it was a perfectly novel practice to make the Ministerial Statement with regard to the Vote before going into Committee. Notice ought to have been given that it was intended to adopt that course; and it could hardly be accepted as a precedent without an expression of opinion from the Speaker and also from the House as to whether it was a desirable practice. If it were admitted in regard to the Educational Vote, it would form a precedent with regard to the Army and Navy Estimates.

THE CHANCELLOR OF THE EXCHEQUER said, he would refer to what had taken place at an earlier period of the Session. A desire was expressed by the House that a Statement should be made by the Secretary of the Treasury before going into Committee of Supply on the Civil Service Estimates; there had been a discussion on the Motion of the hon. Member for Rochester (Mr. Goldsmid), and the result had been a promise to make a general Statement before entering into details. When they came to consider how that Statement should be made, it had been found that the only convenient course was to make it while the Speaker was in the Chair, and on the Motion that he should leave it. It had been stated at the time that the same course would be pursued—or was, at least, contemplated with regard to the Education Estimates—and that the Statement on the general subject would be made with the Speaker in the Chair. It might, perhaps, be inconvenient to take that course in regard to the Army and Navy Estimates; but as for the Education Estimates the course adopted was the one intended by the Government, and communicated to many Members of the House.

MR. SPEAKER: The House is aware that on the occasion of the Motion of the hon. Member for Rochester a general desire was expressed on the part of the House that the Statement relating to the Civil Service Estimates should be made with the Speaker in the Chair. The Estimates now to be proposed are a branch of the Civil Service Estimates, and it appears to me that the House is, by the course proposed, carrying into effect the desire that appeared to be expressed on the former occasion. But whether the same course should be

adopted with regard to the Army and Navy Estimates is a question to be further considered by the House. It would not be irregular for the noble Lord to make a general Statement with the Speaker in the Chair, although that course has not been ordinarily followed.

SIR JOHN LUBBOCK submitted that as Votes 1, 2, and 10 of Class IV. were alone specified on the Notice Paper it was not at all expected that the noble Lord would make his general Statement before going into Committee. Besides, a number of hon. Gentlemen had placed upon the Paper Notices of Motion on going into Committee; and if the course now proposed were adopted it would be another infringement upon the rights of private Members. He therefore protested against it.

MR. SPEAKER: I would point out that the course proposed to be taken does not necessarily shut out Amendments on going into Committee of Supply. It would still be competent for hon. Members to bring them forward.

MR. RYLANDS thought so important a change as was now proposed ought not to be made without due consideration, as it might prove an inconvenient precedent with regard to the other Estimates.

MR. W. H. SMITH reminded the House that the noble Lord was exactly following the course pressed upon the Government by the House almost unanimously on the introduction, earlier in the Session, of the Civil Service Estimates. Upon that occasion he expressly stated that he did not propose to go into any explanation of the Education Estimates, because they would be explained by the noble Lord. The Government had simply acted in compliance with the wishes of the House, and desired only to secure that the statement should be made, as hon. Members had expected it to be made, in a manner most to the advantage and convenience of the majority of the House. Both the hon. Member for Nottingham (Mr. Isaac) and the highest authorities of the House concurred in thinking the course taken most conducive to the proper management of the public Business. The Estimates could be thoroughly discussed, both generally and in detail; and the Government had relieved the House of the uncertainty as to the time when the statement would be made, without in

the slightest degree interfering with the full liberty of Members to raise questions upon the Motion that the Speaker do leave the Chair. He thought, then, that the House would feel that the arrangement, having received the approval of the Speaker and other high authorities, was, on the whole, fit and proper.

MR. W. E. FORSTER said, that having already spoken he would put himself in Order by concluding with a Motion. What the Secretary of the Treasury had just stated as the chief reason why the course now proposed should be taken was exactly the reason why it should not be taken without Notice. The House had no expectation that such a course would be adopted. There were grounds for taking the course now proposed in the case of the Civil Service Estimates, which covered a very large field, and with regard to which a preliminary Statement by the Secretary to the Treasury was desirable and useful; but those reasons did not apply to the Education Vote any more than to the Army or Navy Estimates. He did not say that it might not be desirable in the case of all these large Votes that the Minister should make his Statement before going into Committee; but he contended that such a precedent should not be made at 2 o'clock in the afternoon in a small House, and without the slightest warning. He had not the slightest idea that such a course would be taken, and if the intention had been generally known, he believed the attendance of Members would be much larger than it was at present. When a Statement was made in Committee the restrictions to speeches did not apply which applied when the Speaker was in the Chair. In order to record his protest against such an important change being made without the slightest Notice he should move the Adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. William Edward Forster.*)

THE CHANCELLOR OF THE EXCHEQUER said, he did not wish to waste all the morning in talking over what seemed to him—he did not like to use the expression which rose to his lips about it. All he would say was, he could not for the life of him understand what the right hon. Gentleman's objection was. The

right hon. Gentleman said, that if the Statement was made with the Speaker in the Chair there was not the same opportunity for discussion as with the Chairman of Committees in the Chair. But not a single sixpence could be taken with the Speaker in the Chair. The money must be voted with the Chairman in the Chair, and therefore there would be the same opportunity of discussion as before. But it was not worth while to waste time, and if it was the wish of the House that his noble Friend should not make his Statement with the Speaker in the Chair, he would not proceed with it. The course which his noble Friend proposed to take was made in accordance with the strongly expressed wish of hon. Gentlemen opposite below the Gangway in the case of the Civil Service Estimates; and it really seemed to him that the objection which had been taken was one of the most extraordinary he had ever heard.

MR. B. SAMUELSON said, if there was any waste of time it arose from the action of the Government. Although he was in communication with the noble Lord last evening he had not been informed that this course was about to be taken.

MR. ISAAC said, he had heard last night from an hon. Member opposite that the noble Lord intended to make his Statement with the Speaker in the Chair. This was the first intimation he had of such intention, consequently hon. Gentlemen opposite must have been aware that such was to be the course of procedure before it was known on this side of the House. He (Mr. Isaac) had considered the present state of Public Business the obstruction to all legislation, and the impossibility of being able to fully discuss his Question, and he should not proceed with the Motion of which he had given Notice to the effect that it was desirable that the expenditure for the Departments of Science and Art should not be exclusively confined to London, Dublin, and Edinburgh; but he would bring it forward next Session as a Substantive Motion, instead of then going into Committee of Supply, particularly as his right hon. Friends the Chancellor of the Exchequer and the Vice President of the Council had given him an assurance that the matter should be considered during the Recess.

MR. RAIKES expressed his opinion that a more salutary change in the course

of Public Business than that which the noble Lord had proposed could not be made. It was unreasonable, considering the great length at which hon. Members explained their individual opinions on a great public question like Education, that the only person presumed to be disqualified from expressing his sentiments was the Minister who knew more about the matter than anyone in the House. When we saw the Paper loaded with Notices, were we to be told that the Minister was to be the only one precluded from raising a discussion before the Speaker left the Chair, and from dealing with questions raised by hon. Members?

MR. CHILDERS said, it appeared to him to be a very different thing for the House to decide that a certain course should be followed after due Notice, and for a Minister without Notice to take a course purely arbitrary. When the Navy Estimates were before the House, it was stated that the Minister would deal with certain questions when the House went into Committee; but when the House was in Committee, a point of Order was raised, and the Minister was not able to deal with them. If that was done on one branch of the Estimates, it might be done also on another.

VISCOUNT SANDON said, he hoped the House would not go into a discussion of the point on its merits. His only object had been the convenience of the House; but if the House thought it would be inconvenient for him to make his statement out of Committee it was sufficient, and the Government would at once withdraw. It was only following the course pursued with regard to the Civil Service Estimates, and he thought it was sufficiently announced to the House by the Secretary to the Treasury on a former occasion that the proposed course with regard to the Education Estimates would be adopted. It was undesirable to waste time in discussing the point. He, however, thought that, instead of wasting time and stifling discussion, it would facilitate Business and give a double opportunity of discussing the subject, once on the whole of the Estimates, and subsequently on each Vote when in Committee.

MR. ANDERSON said, the change was not made at the earnest solicitation of hon. Members below the Gangway. The hon. Member for Rochester (Mr.

The Chancellor of the Exchequer

Goldsmid) asked that the Civil Service Estimates should be taken the same as the Army and Navy Estimates, and that a general Statement only should be made before going into Committee, but only at the beginning, in the same way as was done with the Army and Navy Estimates, and not as was being now proposed.

Motion, by leave, *withdrawn*.

Original Question again proposed, "That Mr. Speaker do now leave the Chair."

TRAINING COLLEGES.—RESOLUTION.

MR. B. SAMUELSON moved the following Resolution:—

"That the English Education Code, by requiring that all students of training colleges receiving Government aid must reside within such colleges, a condition not imposed by the Scotch Code, and by withholding from graduates of universities the encouragement offered by the Scotch Code to enter on the profession of Elementary Teachers, tends to increase the cost of the erection and maintenance of these colleges, and to diminish the number of duly qualified teachers."

The hon. Member observed, that unless some change such as he suggested were made in the English Education Code, it would be found extremely difficult to supply the elementary schools in this country with a sufficient number of trained teachers. Comparing the applications for admission and the actual number of admissions to training schools in England and Scotland, he found that in 1876 the number of successful candidates in Scotland was 646, of whom no less than 519 were admitted into the Scotch training schools; whereas in England it was necessary to reject 42 per cent of the candidates who had successfully passed the examination for admission, the proportion rejected in Scotland being only 20 per cent. It could not be said there was an over-supply of trained teachers in England or in Scotland. In the latter the supply, which was certainly not in excess of the demand, amounted to 1 in 96 of the children in the schools; whereas in England there was only one trained teacher for 128 children. In England for eight elementary teachers there was but one in training for the profession; whilst in Scotland for four elementary teachers there was one student in training. Therefore, if there was no

excess of trained teachers in Scotland, it was clear that in England there must be a great deficiency in the supply. That deficiency, he believed, could be supplied if the English training schools were assimilated to those of Scotland. In England every student must be boarded within the College; but in Scotland there was no requirement of that nature. In England the cost of training one student was £33 a-head; but in Scotland it only amounted to £26 a-head. If the Scotch system were adopted in this country, he believed the National Society and the British and Foreign School Society would be prepared to meet the increasing demand for space in their training schools, and would provide the necessary accommodation, which they would be able to do at much less cost than the present. If the school boards in large towns were given the power of establishing day training schools for those who were to be employed as teachers in their own schools, great facilities would be afforded for the training of elementary teachers. Within the last four years 100 trained graduates of Scotch Universities had entered into the profession of elementary teachers, and so important was the privilege deemed by the Universities of Scotland, that they had united in drawing up a scheme of instruction for elementary teachers, which they had submitted to the Lord President of the Council. He had seen the scheme, which he considered to be a good and sound one, and he hoped the noble Lord would tell them that it had been adopted by the Government. He hoped they would receive an assurance from the noble Lord that it was the intention of the Government to consider, with a view to their abolition, the distinctions that at present existed between the Scotch and the English Education Codes, to the disadvantage of England, for which no adequate reason had been assigned, and which he regarded as a blot on the system of elementary education in England.

MR. M'LAREN seconded the Amendment. He wished to state that he concurred entirely with the remarks of the hon. Member on the advantages of the Normal Schools and Colleges in Scotland, and could certify that the Scotch system worked exceedingly well, and much better than any system of Colleges for students, where there would be an orna-

mental building with corridors and public rooms, and other expensive architectural arrangements. If the expense were calculated, it would be found that it would cost less for a student to share a small house as a lodger than to enter a large College. He must warn the noble Lord against relying upon the advantages gained by young men at Universities as being sufficient to make good teachers. The people in Scotland viewed the training of teachers with very great jealousy. It was not necessary that they should be learned men, but they should be practical and good teachers. Many who had attended the Universities and were very learned made very bad teachers. If, therefore, the noble Lord placed too much reliance on University training, he would fall into an error which might prove disadvantageous.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the English Education Code, by requiring that all students of training colleges receiving Government aid must reside within such colleges, a condition not imposed by the Scotch Code, and by withholding from graduates of universities the encouragement offered by the Scotch Code to enter on the profession of Elementary Teachers, tends to increase the cost of the erection and maintenance of these colleges, and to diminish the number of duly qualified teachers,"—(*Mr. Samuelson,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

VISCOUNT SANDON said, the subject had been already discussed this Session, and the opinions of many leading Members of the House were pretty well known. The differences between the English and Scotch Code were, for the most part, matters in which the Department had no option. It was bound by the Scotch Act to recognize attendance at the Scotch Universities. Some consideration had to be paid to the habits and customs of a country, and the usage was one which suited Scotland; but while it would not have been wise to upset it, it did not follow that it would suit this country. The English system started on the assumption that boarding-houses were abstractedly the best. The moral training of young men and women was a serious matter; it was of the ut-

most importance that they should not be scattered about towns in chance lodging-houses, and that they should be gathered together under the supervision of good and trained teachers. There was every prospect of an ample supply of well-trained teachers for a few years, the present supply being calculated to be sufficient for the "waste" incident to a staff of 25,000. There was an ample supply of male teachers, but the increase in the number of small schools and girls' schools might render it necessary to augment the arrangements for the supply of female teachers. No request had been made by an English University for arrangements similar to those which existed in Scotland; he did not imagine Oxford or Cambridge was likely to make such a request, and the Department would not be able to entertain such a proposal from a University which was merely an examining body, and did not engage to take the oversight of the morals of the young people committed to its charge. Of the staff of 12,400 scholars under instruction about 8,000 came from Training Colleges and 4,000 from other sources. The hon. Member for Edinburgh (*Mr. M'Laren*) had usefully called attention to the danger of taking mere University men as teachers without due securities for their efficiency. At present grants were made to Scotch Training Schools only, and not to the students personally, and were not paid until the students who earned them for their school, after examination by the Department, actually became teachers, and went through a two years' course of probation. The Scotch Universities proposed that Bursaries should be established for individual students, to enable them to attend University classes for two years without going to a Training School. They also asked that the Bursars should be examined by the University, and that a diploma, granted by the University, should be accepted by the Department as equivalent to a teachers' certificate. They also proposed that the Bursars should make a "declaration of agreement" to follow the profession of a teacher, in consideration of the public money spent upon their education. These proposals represented the course which the hon. Member for Edinburgh very wisely appeared to deprecate. The first objection taken by the Department was

Mr. M'Laren

that the proposal failed to secure due supervision—in such towns, for example, as Glasgow and Edinburgh—of the students, who were young men of from 18 to 21 years of age. It also failed to secure any practical training in the art of teaching and any instruction in subjects essential for teachers of elementary schools, but lying outside of the University course. There was also no security that these young men would receive any religious instruction. Another objection was that there was no real security that the students would follow the calling of a teacher after they had been trained for it at the public cost. The Education Department also felt that the proposal, so far as it removed the *élite* of the Queen's scholars from the Training Colleges, not only discredited institutions which had done thoroughly well a great work for the elementary education of the country, but rendered useless much of the large expenditure which had been contributed by the public funds and the voluntary promoters of education in Scotland towards the foundation of these training schools. The proportion given by the Government towards these Training Colleges had been £20,000, and the sum raised by voluntary subscriptions had been £30,000. The Education Department wished, however, to meet the views of the Scotch Universities as far as possible, and they proposed in the first place to allow the Queen's scholars greater freedom in attending the Universities during the five months of their winter session by removing the restriction on the number of classes (two) in which they might be enrolled. It was proposed in the next place to distinguish by some special mark in the class list of the examination for Queen's Scholarships the candidates whose proficiency in special subjects, such as Latin, Greek, and mathematics, appeared to qualify them for attending University classes. The third proposal was that such Queen's scholars should be allowed—not required—to attend classes in these subjects in a University, and relieved still further than at present from attending the Training School classes during the University Session. Lastly, it was proposed that existing arrangements as to their religious, practical, and professional training, and the payment for the students, should remain on the present footing. In short, the Queen's

scholars were to continue to be regarded in all respects as students of the Training Schools, but would be permitted if qualified to receive a larger share of their education at the hands of the Universities than present arrangements allowed. He hoped that the hon. Member for Banbury (Mr. B. Samuelson) and hon. Members for Scotland would admit that the Department had done what it could to meet the reasonable demands of the Scotch Universities, although they could not give up their objections to the previous proposal of the Universities. Everything now pointed to a large and adequate supply of thoroughly trained teachers, who should be worthy to take charge of the intellects as well as the moral and religious education of children. Schools would be gradually left more and more in the hands of the school-teachers, as it was becoming more and more the practice to confide the management of the school to the teachers. He knew that the only object of his hon. Friend was to obtain as good teachers as possible for the schools; but it was the duty of the Department to secure a due and adequate supply of teachers without making a great revolution in our system of English teaching.

MR. RAMSAY remarked that the noble Lord was under a misapprehension in assuming that the moral and the religious training of the Scotch schools was less perfect than in England, for the Governing Bodies of those schools took the greatest care to secure the proper moral training of the young people committed to their care. The best evidence that that object was attained was to be found in the fact that many of the teachers trained in these schools were employed in England, and none gave greater satisfaction than those who had been trained in the Scotch institutions. He wished also to refer to the remarks of the hon. Member for Edinburgh (Mr. M'Laren), where he seemed rather to undervalue University training. He should regret if it were to go forth that any disregard was shown in Scotland to University training. While the training of teachers in the art of communicating instruction to their pupils was fully valued, it was important that the highest possible acquirements should be attained by those who had to take charge of the education

of the young. How could that be done better than by instructing them in the highest branches of knowledge? He thanked the noble Lord for the encouragement he was prepared to give, and hoped he would continue to progress in the same direction.

MR. W. E. FORSTER said, that at the commencement of the Session he had expressed his views pretty clearly on this question, and he would now only briefly state why he should support the Motion of the hon. Member for Banbury. The noble Lord had not met the argument of the hon. Member by statistics. From the statistics in the Report, he (Mr. Forster) should have come to a different conclusion to that of the noble Lord. There were a very considerable number of teachers who were not trained at the training schools. The Report showed that 24 per cent of the male, and nearly 37 per cent of the female teachers, did not receive their education at those institutions. He thought, in all probability, that would continue to be the case. There was no doubt that the Training Colleges had become filled, and had responded to a considerable extent to the increased demand; but he thought the Department itself did not look forward to their fully meeting the demand. The chief reason for his supporting the Motion of the hon. Gentleman was, that he thought the present restrictions in the English Code, as compared with the Scotch Code, threw obstacles in the way of better training being given to those who did not go to the present Training Colleges. He did not see why the Department should not try the experiment of having day Training Colleges in large towns. The effect would be that side by side with the present Training Colleges we should have a number of day Colleges or Halls, in which there would be scholastic teaching in which young men and young women would also serve an apprenticeship to the art of teaching, and in which care would be taken that they were well looked after during the period they were receiving instruction, a result which might be secured by providing that they should not be admitted into these day Colleges unless upon the responsibility of the managers. By that means we should, he thought, be able to get teachers beyond the supply now furnished by the Training Colleges with

as great proficiency and, at the same time, at a much less cost. He regretted to hear the noble Lord say that he could not listen to any of those suggestions because of the necessity of keeping up in this country security for religious teaching; for if the Vote for Training Colleges were to be based upon that argument, he strongly suspected that no Education Department would be able to maintain its position. He was as anxious as anyone that our teachers should receive religious instruction; but at present there was nothing which made it necessary that Training Colleges should give religious instruction, although, of course, we were glad to know that they did do so. He believed, he might add, that there would be great difficulty in increasing the number of Training Colleges, unless some means were provided by which young men and women might be trained for the profession of teaching without being compelled to go to a denominational College. The question of expense, too, was not a slight one. The cost of training an English teacher was nearly £39, while the Scotch teacher cost little more than £25, and he saw no reason why a system which had been found to work well in Scotland should not be introduced into the English Code.

Question put.

The House *divided*:—Ayes 121; Noes 78: Majority 43.—(Div. List, No. 229.)

EDUCATION DEPARTMENT — SCHOOL BOARDS—SELECTION OF SUBJECTS.

OBSERVATIONS.

SIR JOHN LUBBOCK, who had given Notice of his intention to move—

“That it is desirable to modify the Education Code in such a manner as to give School Boards and Committees more latitude in the selection of subjects, and in determining the order and mode in which those subjects should be taught.”

said, that, though he was prevented by the Forms of the House from moving his Resolution, he desired to direct the attention of the House to this important question. It was true that a number of so-called special subjects were nominally permitted to be taught; but it was, he feared, evident that practically the Schedule to the Code must remain a dead letter. Until the last year or two, reading,

Mr. Ramsay

writing, and arithmetic were the only compulsory subjects; and regarding others, the school managers were allowed to select anything they pleased out of a certain list. Suddenly, however, without any reason given, or any discussion in this House, this discretion had been abrogated, and history, geography, and grammar, or two of them, were made compulsory. Now this regulation practically excluded other subjects; because, according to the last Report of the Education Department, which dealt with the year before the present Code came into operation, only 13 children in the whole of England were sent in for examination in more than two subjects. Practically, almost all discretion and all power in these matters had been taken from the local school managers, and concentrated in the Privy Council. He doubted whether, under any circumstances, it would be desirable thus to stereotype one form of education for every school in the Kingdom; but surely we ought not to do so without being very clear as to the best system. There was, however, very great difference of opinion on this head. The first authority to which he would refer, was that of a Committee of that House. It was presided over by his hon. Friend the Member for Banbury (Mr. B. Samuelson), and, after careful inquiry, they reported that, in their opinion, "elementary instruction in the phenomena of nature should be given in elementary schools." The next authority which he would quote was the Royal Commission, presided over by the Duke of Devonshire, which unanimously recommended that more substantial encouragement should be given to the teaching of the rudiments of science in our elementary schools. In Scotland, too, great dissatisfaction was felt with the present system. At the last Conference of elementary teachers, held in London, and very numerous attended, it was resolved that the system of payment "embodied in the Code is unsound in principle and injurious to the progress of true education." The Inspectors of schools differed greatly as to the most suitable subjects. Even in regard to geography, they were not unanimous. This, as a subject, was said to lead itself very much to "cram." One of the Inspectors gave in support some very amusing answers. For instance,

in answer to a question of "What are mountains and rivers?" one girl replied that "Mountains in some parts of the world are very useful. In Africa, for instance, they shoot out gold." Of rivers she had not so favourable an opinion, though she thought "they were all very well in some countries where there was very little rain." He confessed, however, that he thought geography a very good subject, though he was not convinced that it ought to be continued during the whole course, to the exclusion of other subjects. The mere skeleton of history taught in our elementary schools contained little more than dates, wars, and murders; but dates and crimes no more constituted the history of a nation than sinews and bones made a man. As regarded grammar, the Inspectors were by no means agreed, and many of them, it would seem from the Report, even a majority, were strongly against it. After referring to the mode in which, according to Mr. Fearon, grammar was to be taught, the hon. Baronet proceeded to point out that language had been created and perfected by use and not by study. If our ancestors had been educated under the system of the noble Lord, our language would be far less terse, and would have attained far less convenience than fortunately it had acquired. But, if the best authorities disapproved of grammar, which the Education Department had rendered almost compulsory, there seemed a very general agreement that literature—which they had excluded—was the very best of all the subjects. Mr. Currey thought it "as useful and satisfactory as any," and would like to see greater encouragement given to it. Mr. Williams preferred it to any of the other subjects. Literature, however, would be almost excluded by the present Code. It was true that the children had to learn a certain number of lines by heart. That was all very well, but it was not literature. Again, in the teeth of strong Reports by a Committee of that House, and by a Royal Commission, in favour of teaching elementary science in schools, the Code was so framed that science was practically excluded. Now, did Her Majesty's Inspectors approve of this? Not at all. Mr. Danby regretted—

"the entire absence of any attempt to teach the smallest rudiments of experimental science. The consequent atrophy of one set of

faculties is a result to be much deplored. I humbly submit to your Lordships the advisability of directly encouraging in the school course such kind and amount of teaching as will furnish scholars with the acquaintance with the primary conceptions of physical science."

Mr. Legard said—

"One of the weakest points about our English elementary education is its unscientific character; the idea that there is such a thing as a science of education is quite a novel one, and our backwardness in this respect is one of the reasons why the results in schools are not more satisfactory."

He had referred at some length to the opinions of Her Majesty's Inspectors, because their views would have great weight with the House; but there was one class whose opinions were entitled to even greater consideration—namely, the children themselves. They might trust to the instincts of healthy, sensible children in the selection of food for the mind, as well as for the body. They knew what they could assimilate, and the present system being essentially bookish, overtaxed their memory, but appealed neither to their reason nor to their imagination, and was therefore distasteful to them. Now, it was noticeable that in the Scotch Schedule there were five subjects, and in the Irish no less than 10, which were entirely excluded from England. The Education Department might, indeed, say that they had not the same control in Ireland, but that argument could not apply to Scotland. Again, domestic economy was confined to the girls. It included, according to the rules laid down, a knowledge of "Food, clothing and its materials, the dwelling, cleansing, and ventilation." Why should not boys learn about cleanliness and ventilation, the management of income, expenditure, and saving? Surely, these subjects were most important. He also pointed out the inconvenience of the minute and stringent rules laid down by the Department. For instance, whatever subject a school determined to take up, it had to conform to the most minute rules as to the mode in which that subject was to be taught, and the order of succession in which various parts of it were to be taken up. A specified part was to be taken in the first year, another in the second, and a third in a third. But that arrangement would work very ill in the numerous class of schools in which only about 20 or 30 children would learn some special subject, as

the Code would practically require them to be divided into three separate classes. He deprecated, therefore, these minute rules, and maintained that even if the highest authorities were agreed as to the best system, it would not be wise to lay it down as an imperative and universal rule. Her Majesty's Government had recognised this principle by having a different Code for each of the Three Kingdoms; but different parts of England differed from one another at least as much as Dumfries from Northumberland. Surely in an agricultural school agriculture ought not to be excluded; while in mining and manufacturing districts a certain amount of chemical or physical instruction, bearing on the staple industries, would not be out of place. Again, much would depend on the character of the master. Dean Dawes and Mr. Henslowe had created schools proverbial for excellence. In both cases great weight was attached to elementary science, and the schools had been very successful. He did not on that account propose that elementary science should be made compulsory, but he submitted that it ought not to be excluded. Many persons regretted that School Committee elections turned so much on theological questions; but, under existing arrangements, who could wonder at this? School boards had, in fact, scarcely any voice in educational questions. It was most desirable that the best men and women should consent to act on school boards; but how could they be expected to do so, if deprived of the most important of their legitimate functions. Again, it was admitted that, under the old system, the masses of the school might have been neglected in some cases and attention given too exclusively to the clever ones; but was there not now a danger of falling into the opposite and more fatal error of neglecting the masses for the sake of the stupid children? He would not disguise from the House that the present system of elementary education was very far from being his own ideal. Not that he wished to make education more laborious, more difficult, or more abstruse. Far from it. The present system overtaxed the children; it wearied memory, neglected imagination, and discouraged thought. The subjects taught had too little reference to the realities of life. The wearisome

Sir John Lubbock

monotony of dates and battles, the abstruse technicalities of grammar, were more trying, more difficult to children than the subjects he recommended. He did not, however, ask Her Majesty's Government to substitute other subjects for those which they had chosen; all he said was, Do not unnecessarily impose on schools a system as to the wisdom of which, to say the least of it, there are grave doubts, and do not deprive school managers of the power they have hitherto exercised, and which you yourselves admit they have used with judgment. He would urge as modifications of the Code that grammar, history, and geography should be restored to the Schedule. The result would be that reading, writing, and arithmetic would be the compulsory subjects, and school managers would select and arrange the other subjects as they thought best. The instructions contained in the Code as regarded the mode of teaching the special subjects should be regarded as suggestive merely, leaving the actual details to be settled between the school authorities and the Inspector. Chemistry and agriculture should be added to the list of special subjects, and in some of the manufacturing and mining districts elementary classes bearing on the special industry of the locality might be desirable. Agriculture was included in the Irish Code, and the Irish Board had produced a very excellent little book on the subject. At any rate, it was a curious commentary on the present system that so many subjects which were included in Ireland should be forbidden in England. Finally, boys should not be excluded from the classes on domestic economy. The noble Lord might say that it was not desirable to disturb the Code again. That would be a strong argument, if any new conditions were proposed; but the noble Lord would in candour admit that it was no argument against a relaxation. The course he ventured to suggest would impose no new duties or conditions on school managers or on school committees. Those who preferred the present system would continue to act as at present. Thus the alteration could not reasonably be objected to from that point of view. He did not ask that education should be made more difficult, or more abstruse. Quite the reverse. He wished to see it made more amusing, and he thought that

explanations should be given of the simple phenomena of nature, of day and night, summer and winter, of dews and frost, of the properties of air and water, of the simple rules which regulate health, of the nature of the simpler processes of agriculture, of the different sorts of soil, and of the common domestic animals. All he asked was that while reading, writing, and arithmetic were compulsory, Boards and Committees should be permitted to select such of the other special subjects as they might prefer, and should teach them as they might think best. He would trouble the House with only one more quotation—from the noble Lord at the head of Her Majesty's Government. The noble Lord, speaking in the House, had said—

"It became the House well to consider what might be the effect of interfering with the habit of self-government by the people of England. It appeared to him that the Society of Education, that school of philosophers, were, with all their vaunted intellect and learning, fast returning to the system of a barbarous age—the system of paternal government. Wherever was found what was called a paternal government, was found a State education. . . . It had been discovered that the best way to insure implicit obedience was to commence tyranny in the nursery. The truth was that, where everything was left to the Government, the subject became a machine."

But this was just what the noble Lord himself was now doing, and Her Majesty's Government, that "school of philosophers" were too prone to centralization. They were depriving local authorities of duties and functions which they had hitherto exercised. Local self-government, however, was the basis of political freedom; and in the cause of freedom, no less than in that of education, he hoped the House would approve the policy which he had advocated.

MR. A. MILLS said, what he understood the hon. Baronet to suggest was that power should be given to school boards and managers of schools to make a larger selection of subjects beyond those which the Code made imperative with a view to interest the children. There were now 10 of those subjects, and there were three or four with regard to which a very large discretion was exercised by managers of schools. There were many thousands of children who were now receiving instruction in Latin, Mathematics, Animal Physiology, and Domestic Economy. He found from the

Returns made to the Department that 34,000 children had presented themselves in English literature, 5,000 in Mathematics, and 5,200 in Animal Physiology. There was, therefore, at present, a large power of selection. The hon. Baronet wished that there should be less dictation and more liberty with regard to this choice of subjects. There was, however, very considerable liberty in this respect, and the hon. Baronet and the House should never forget that over the children in the elementary schools we could have control only until they were 13 years of age, and that of 26,400 children presented in the 6th standard no fewer than 19,000 failed in one or other of the three elementary subjects—reading, writing, and arithmetic. And if we were to widen the area of selection with regard to the subjects in the fourth Schedule of the Code we must not conceal from ourselves that it would necessarily involve either a larger expenditure in providing additional masters or the straining of the powers of the present masters and certificated teachers, who were already worked hard enough, and which he would be very sorry to see done. When we had got such a large number of children who were not up in the standard subjects, he thought it useless to add special subjects which they were not likely to be able to assimilate. The Inspectors and all who had most experience in the working of our schools told us that the elementary subjects were far from being thoroughly learnt; and therefore we ought to take care that a higher standard should be attained in those subjects before we went further. In the School Board of London, taking simply the teaching power, each child cost £2 12s. per annum, or at the rate of 1s. per week. Of that 1s. 2d. was paid by private means, as the fees in the board schools averaged 2d. per week, and the remaining 10d. was borne by the public funds. He did not grudge that money if the children were properly taught. But when five-sixths of the cost of elementary teaching came from the public funds, it was time they looked at the manner in which the money was spent. He was afraid if they widened the area so as to include the extra subjects proposed by the hon. Baronet they would be giving the children of tradesmen and upper servants, for a contribution of 2d. per week, an education

such as he could only get for his boy at Eton, though the parents were perfectly able to pay the full cost of their children's education. If they altered the Code under pressure in this matter they would be landed in a system which the rate and taxpayers of England would not at all fancy. It was idle to suppose that they could increase the area of these extra subjects without considerably increasing their teaching power, and that would necessarily greatly add to the expense. He therefore felt it to be his duty to oppose the Amendment of the hon. Baronet.

MR. LEVESON GOWER thought there was great force in the observations of his hon. Friend (Sir John Lubbock), which was not in any degree weakened by the contention of the hon. Gentleman who last addressed the House. The question of expense he considered they might safely leave to the local authorities. The proposal was not that the school boards should be compelled to teach these subjects, but that they should be permitted to teach them, and therefore the argument of expense did not come in. He wished to call attention to the importance of promoting instruction in domestic economy in the public Elementary Schools, and chiefly as regarded cookery. He could speak with some authority on the matter, having for the last three or four years paid great attention to it. He had acted as Chairman of the Committee for carrying out the Training School of Cookery at South Kensington. In March last 2,444 pupils had passed through that school, and cookery schools were now established in nearly all large towns in England and Scotland. Of the printed recipes for different dishes there were sold last year at South Kensington School, at 1d. each, 38,000 copies. In December they established 15 local classes in and about the Metropolis, the success of which had been most remarkable. The attendance had exceeded 13,000, chiefly the wives of small shopkeepers. The fees ranged from 2d. to 6d. But the wives of artisans were, of all others, the class specially interested, and there seemed to be great difficulty in getting them to attend those classes. The only way to get at them would be to teach cookery in school. That was the opinion of some of the school boards in the country. The London School Board had last year estab-

Mr. A. Mills

lished four local centres for teaching cookery. In order that real and lasting good might be done by instruction in cookery, it must be given by persons who had themselves been specially taught. There had been sent to the Department many memorials thanking the Government for the valuable recognition it had given, and urging it to go further. Previously theoretical information respecting food and its preparations had been disseminated, and the subject had been connected with clothing and materials for clothing, and it was thought that food might be made a separate subject, and payments made for practical instruction in the same manner as for the teaching of elementary sciences. The principles of agriculture had been added to the list of special subjects; and as regarded the practical result there was an essential correspondence between agriculture and the preparation of food. An increase in the number of instructors was necessary, but the cost of that increase would be comparatively slight, for a good instructor could teach a very large number of persons. It would also be necessary to have special Inspectors to see that the work was thoroughly and efficiently done. Although cookery was a very important matter, it did not take long to learn. A very few days were sufficient for the purpose; but, when learnt, its application made a wonderful difference in the working man's home, and it was on that account he believed it worth while doing what he could to induce the Government to encourage the study of it.

EDUCATION DEPARTMENT — ALLOWANCES AND PENSIONS OF TEACHERS.

OBSERVATIONS.

LORD FRANCIS HERVEY, who had given Notice of his intention to call attention to the restrictions placed on the allowance of pensions to teachers; and to move—

“That it is desirable to relax the restrictions imposed on the allowance of pensions to teachers of elementary schools,”

said, notwithstanding the generous concessions that had been made by the noble Lord in favour of the representations which had been made to him, there was still considerable irritation and soreness among teachers, because the value of

those concessions was diminished by conditions which operated to the prejudice of some of the most deserving teachers. One condition was that an applicant for a pension must be a certificated teacher at the time of the application, and this told with great hardship on those who after long service had resigned before the Minute was issued. Another condition was that an applicant must have been continuously employed in teaching from the 9th of May, 1862; and many a career of long and valuable service had been interrupted by exceptional circumstances. He thought their case deserving of the consideration of the Vice President of the Council. As a general rule the limitations imposed by the Code were fair and just, but he thought that some of them might be advantageously set aside.

MR. GRANT DUFF: The proposal of the hon. Baronet the Member for Maidstone (Sir John Lubbock) is not, as I understand it, to cause more subjects to enter into the obligatory teaching of elementary schools. He merely wants greater latitude to be given as to the choice of the extra subjects to be taught. At present, they are for practical purposes three only—geography, history, and grammar—for two of these must be taken up as a matter of necessity. Now, for the purpose of elementary teaching, geography and history should be considered as one subject, since geography, unless taught in connection with the broad facts of history, is a very imperfect study. Geography, taught in connection with the history of the earth and of man on the earth, is one of the most important of studies for Englishmen of all classes. You could give, of course, only a very general training in geography thus interpreted in elementary schools; but a good foundation might be laid which could easily be built upon in future years. Grammar is, however, quite out of place as an obligatory extra subject. The little grammar which is a necessary part of elementary education should be taught through writing and speaking the English tongue; and for the grammar now taught as an extra subject should be substituted, if there are to be obligatory extra subjects, some subject to be chosen at will from the various sciences which educate the observing faculties. Probably, however, it might be better to have no obligatory extra sub-

jects at all, but to allow school managers to select freely out of the extensive list authorized by the Privy Council any two extra subjects in which they felt themselves most competent to get instruction for their schools. Some mistakes would be made, no doubt; but the risk of a few mistakes would be more than compensated for by the greater zeal which school managers and teachers would put into their work if they were left a little more liberty.

MR. GOLDNEY said, the amount which the Department were authorized to spend in pensions amounted to £6,500, while they had only granted allowances to 96 pensioners, amounting to one-third of the money authorized to be so employed. Instead, therefore, of carrying out what had plainly been the wish of Parliament, the Education Department had restricted the grant to about one-third of what had been intended. The Department had, however, originally contemplated the grant of the whole of these pensions.

MR. RATHBONE said, that in the North of England the greatest interest was taken in the cookery lessons, and that from such small experiments as had been made the greatest benefit would be derived from promoting instruction in domestic economy in the public elementary schools. He should like to call attention to the injustice sometimes done to elementary schools and their teachers when examined by an Inspector who had no previous experience; and if it had been possible, it was his intention to move "That it is desirable to provide for preliminary training of Her Majesty's Inspectors of Schools." It was almost incredible that when so much of the efficiency of the schools depended on the efficiency of the inspection, an examination of the school should be left to a young man fresh from College, who had received no preliminary training for the work he had to do. He knew nothing of what a child could or ought to do, and was likely either to frighten the children by his strictness or injure the school by his laxity. He believed that a young Inspector went round with the Senior Inspector of his district for a month or six weeks, and that his Reports for a certain period passed through the hands of that Inspector. When, however, a young man intended to be a doctor, a lawyer, or a merchant, he was

placed for some time—usually for some years—in an office where he could learn his profession. The remedy was very simple. The Education Department appointed eight or ten Inspectors every year. Why should not the President of the Council take the best eight or ten men in his list and appoint them a year before he wanted them? They could then be attached to the best Inspectors, and accompany them in their inspection. In that year they would obtain a better knowledge of the facts and methods of teaching than they would find out by their own efforts in eight or ten years. The whole cost of the proposal, if they gave those gentlemen £250 each, would amount to £2,500; and for that small expenditure they would have a set of Inspectors who, before they went to inspect schools and to decide upon the grants, would have some practical knowledge of the work they had to do. Another evil which required correction arose from the Inspectors varying very much in their standard of merit in different schools. The 10 head Inspectors to whom the training of the other Inspectors should be given, might meet together to exchange their experience; and in that way the inequality in the decisions of Inspectors might be diminished, discontent would be removed, and more heart infused into the work of the schools.

THE EXPENDITURE ON ELEMENTARY EDUCATION.—OBSERVATIONS.

MR. CHAMBERLAIN rose to call attention to the results of the increased expenditure on elementary education, and to the great difference still existing between the average attendance of children and the numbers who ought to be at school. Before doing so, he heartily endorsed what had fallen from the hon. Member for Maidstone (Sir John Lubbock), thinking it was desirable to give some discretion to local authorities in order to prevent our system of education from becoming too stereotyped, from turning out all the children with minds cast too much in one mould. He also cordially supported the suggestion of the hon. Member for Bodmin (Mr. Leveson Gower), although his own experience did not make him so sanguine as that hon. Gentleman appeared to be. As to the subject to which he himself

Mr. Grant Duff

wished to call attention, he thought the facts detailed in the Report of the Education Department as to the progress of education were, on the whole, such as must generally fill with satisfaction the mind of every friend of education in the country. In little less than seven years they had increased the accommodation for elementary teaching by 1,500,000 places, and the attendance had increased in about the same proportion. There were still some blots in the picture, but he hoped that in course of time they would be removed. It was to be regretted that the outcome of the instruction given to the immense number of children now on the registry of our schools was as yet so small. Only about 2,000,000 out of 4,500,000 who ought to be at school were in average attendance, and that again was reduced to about 1,000,000 of children presented for examination, of whom only about two-thirds passed completely in any of the standards, while comparatively few were able to pass the sixth standard of education, even at the age of 13. The new system, however, was as yet only in its infancy, and had scarcely had a sufficient trial. At all events, we were on the right track, and better results were to be hoped for in the future. The present expenditure for education was very large, a larger sum having been asked for this year than had ever been asked for by any Minister of Education before, while there was no reason to believe that the amount had yet reached its maximum. Was that a matter for regret or for dissatisfaction? It was proved in the case of the school boards that the nation had taken in hand this work of national instruction and had counted the cost, and was ready to pay whatever was necessary for the purpose. Those who criticized this expenditure had to ask themselves, not what was the present amount, or to what amount it was likely to reach, but whether the work could properly be done for less. On the education of our people our position as a great commercial nation having to compete with other and more instructed countries depended. Since 1871 the expenditure on education had increased from nearly £2,000,000 to £4,200,000, or 114 per cent. The average cost of education for England and Wales was something like 3s. 4d. per head of the population, of which 2s.

came out of rates and taxes; while in some of the Swiss Cantons the average was 6s. per head. Those spent most economically and wisely who spent most. It was really a commercial investment, to put it on no higher ground, as it brought very large returns in the reduced cost of pauperism and crime, and the increased welfare and prosperity of the country. In the New England States only 7 per cent of the persons above 10 years of age were unable to read and write, and that uninstructed 7 per cent actually furnished 80 per cent of the whole convicted criminals in those States. In this country, while the school accommodation had increased 70 per cent since 1871, the average attendance had increased only 62 per cent. It took several years before the new schools could be got into good working order, and therefore they could not arrive at their fair normal average expenditure until they had been in operation for several years. The average cost of education had increased in the case of the voluntary as well as in that of the board schools, and on the average it had been greater in the latter than in the former case. That difference was due to two causes, one temporary and the other permanent. The temporary cause was the necessity at the outset of providing stationary and educational implements, while the permanent cause was the increased teaching staff. The wisdom of the increased expenditure was shown by the results. Returns showed that in 1871 the number of children who passed the examination in the board schools was 11 per cent below the average number of those who passed in the Church schools; whereas now the number of children who passed in the board schools was 4½ per cent above the number of those who passed in the Church schools. He had no doubt that in the future the results would be still more remarkable. He thought when the board schools had fairly outstripped all competitors, it would become a question worthy the consideration of the House whether we could with propriety continue to make enormous grants of public money for institutions which to a certain extent were managed by irresponsible persons, and which he believed were comparatively inefficient for the purposes for which that money was granted. He knew not a way in which

that expenditure could be diminished, but he did know a way in which the results might be very greatly increased. The empty places in the board schools might be filled within three months if it were not for our adherence to a system which almost every other nation that took an interest in the subject of education had abandoned. He was well aware that objections might be taken to the general establishment of free schools. He would not answer those objections now; but he hoped that in a future Session a discussion would take place on the whole matter. If, however, those objections could be got over—objections as to the supposed interference of the system with the independence of the parent and his personal responsibility—he believed the result would be an enormous increase of the educational work that was now being done without an additional penny of cost, the cost being merely distributed in a different way. The experiment had already been so far made in this country. In Birmingham the school board had gone as far as the Education Department would permit, reducing the fee from 3*d.* to 1*d.* per head per week; and the amount received in pennies, as compared with that formerly received with threepenny pieces, was more than trebled, the average attendance having correspondingly increased. Even the small fee of a penny had been proved to be a barrier to the regular and universal attendance of the children at school. In our Colony of Victoria the average attendance of children at school increased from 135,000 to 206,000 in two years after the abolition of fees. In the United States of America every elementary school was free at the present time. The Report of the Board of Education showed that all the States were unanimous in saying that the abolition of fees was followed in every case by an immediate increase in the average attendance. In our Colony of Canada, where all the schools were free, compulsion had been found to be absolutely unnecessary. He trusted that the House would at no distant day see the desirability of giving effect to a system which had produced such good results in every instance where it had been tried.

VISCOUNT SANDON, referring to the proposal of the hon. Baronet the Member for Maidstone (Sir John Lubbock),

Mr. Chamberlain

said, the hon. Baronet had a devoted attachment to scientific subjects, and naturally thought it was of great importance that science should be taught in schools. But there was a considerable difference of opinion in the House on that subject. In the course which the Education Department had taken on that subject they were supported by the approval of a large number of the Inspectors. They found that history, geography, and grammar were subjects that were popular in the country. He cordially agreed with the hon. Member for the Elgin Burghs, (Mr. Grant Duff), that children should have a knowledge of geography and of the history of the land to which they belonged. As to grammar, many of the Inspectors regarded it as about the best exercise for children's minds. He quite agreed that useful changes might hereafter be made in the Code, but he believed that frequent changes in the regular curriculum of the instruction of the children were very much to be deprecated. With regard to the point referred to by the hon. Member for Bodmin (Mr. Leveson Gower), the hon. Member was fully aware that the Education Department attached great importance to domestic economy, because they believed that if they could teach the future wives of our artizans the art of simple and good cookery they would be doing a great deal towards making their homes comfortable and happy. The fact, however, had been rather overlooked that all the Training Colleges could at the present time appoint teachers of cookery if they chose, and indeed he was rather surprised that more of such teachers were not appointed. The appointment of these teachers of cookery in the Training Colleges was the most hopeful and practicable method of promoting the teaching of that very necessary branch of domestic economy, because the cost of bringing 800 young women up to London for the purpose of their being instructed in it would be very great, he having been assured upon good authority that the expense of three months' training in London would amount to £35 per head. He was glad to say that the school boards were taking up the subject warmly, and he would specially mention that the Board of Sheffield fitted up a separate room in their schools with an artizan's grate, so that cookery should be taught with the simple ap-

pliances available in an artizan's home. The movement was a tentative one, but the country approved it, and he could assure the hon. Member that the Education Department was not losing sight of it. The next point referred to was that relating to the pensions of teachers, which had been noticed by the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey), it having already been brought before him by the hon. Member for Plymouth (Mr. Bates). This was a subject which had been looked at with great care; but it must be remembered that the Committee of the House of Commons which sat a few years ago to consider this matter had reported to the Committee of Education to the following effect:—

“Some of the witnesses have informed your Committee that many teachers have regarded these Minutes as a promise of pensions to all teachers who fulfilled the conditions therein laid down. Your Committee are, however, of opinion that these Minutes of 1846 were not intended to hold out any such promise, but that their true construction is that which is put on them by the Minutes of the 6th of August, 1851, and the Circular Letter of October, 1851—namely, that the Committee of Council on Education took power, but did not pledge themselves to grant pensions. Suggestions have been made to your Committee for superannuation schemes, not only in the interests of teachers, but on grounds of public policy, which they think worthy of further consideration; though they are not prepared, on the evidence which they have been able to take, to express any opinion upon them.”

The Government, however, looked at the matter from an equitable point of view, and had had great satisfaction in providing for pensions to a considerable number of teachers who had entered the profession before they were formally abolished; and he believed this step had given much pleasure to the House and the country. Great complaint had been made that the Government required as a condition precedent to the granting of a pension that the teacher must have been employed in a school until the moment when he applied for a pension, and must have been serving continuously as a teacher. He wished to know how, if the applicant had ceased to be a teacher, and had not served continuously in that employment, the Department could ascertain what his merits were? The old Minutes laid down very clearly that pensions were only to be given in certain cases where favourable re-

ports were given by the Inspector and by the trustees and managers of the schools as to the character and conduct of the applicants, and as to the manner in which they managed their schools, and it would be impossible for the Department to obtain that information if the applicants had ceased to be teachers. The complaint was also made that all the sum granted by Parliament was not now allotted by the Department; but the whole £6,000 a-year which Parliament granted for that purpose was not allotted at the present moment, partly because it was kept back for the relief of very needy cases which were certain to be brought under their notice hereafter, and partly because there had not been more applicants. He might mention that the Department had only refused relief to nine applicants other than those who were unable to prove that they had served continuously. The subject, however, would receive the attention of the Department, as, he need hardly assure the Committee, they wished to do their best to relieve the very sad cases which were brought under their notice; but, unfortunately, they were obliged to draw the line somewhere, and he could not say that he saw his way at present to alter the course the Department had, after much consideration, adopted. The hon. Member for Liverpool (Mr. Rathbone) had raised a question with regard to the Inspectors; and if he would permit the matter to rest for the present he would lay the hon. Member's views before the President of the Council, who was chiefly concerned with those officials, and if the Department could see their way to meeting those views he was satisfied they would be most ready to do so, feeling, as they did, the necessity for securing the services in that capacity of a high class of men. The variation of the standards, he admitted, ought to be narrowly looked into, and that also was a point that had not been overlooked by the Department. The hon. Member for Birmingham (Mr. Chamberlain) had touched upon a very large question, that of free education; but probably he would agree with him that it was impossible to enter upon so wide a subject at the present moment. He was glad, however, that the hon. Member had come forward to defend the expenditure upon education; the money devoted to the purpose was not

misspent, and would produce ample results hereafter. He also coincided in the view of the hon. Member that we could not be fully satisfied with the advantage that was taken of our school machinery; but he had a great confidence, from accounts which reached him from various parts of the country, that much better results would follow from the working of the Act of last Session, which would undoubtedly tend to increase the school attendance; but for all these changes and improvements time was needed. In conclusion, he could assure hon. Members that their suggestions would receive his best attention.

MR. LYON PLAYFAIR said, he did not intend to stand between the House and the statement of the noble Lord, and he only wished to explain one circumstance—namely, the absence of the hon. Baronet the Member for Lanarkshire (Sir Edward Colebrooke). An accident had unfortunately prevented him from bringing on the subject of which he had given Notice, and which was of great interest to Scotland. It was the necessity of legislating on the subject of educational endowments in Scotland. He desired to say that in not bringing this subject forward that day they did not abandon their intention of drawing the attention of the Vice President of the Council to it, and that when the Scotch Estimates came on, if his hon. Friend was not sufficiently recovered to bring forward the question, he would take his place on that occasion.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) £1,260,829, to complete the sum for Public Education, England and Wales.

VISCOUNT SANDON, in moving the Education Vote for England and Wales, adverted to the loss which the cause of Education and the country at large had sustained through the death of Sir James Kay-Shuttleworth, who was well known

as one of the founders of our present system of education. Having spent a considerable time in investigating the educational condition of this country, he pursued his investigations into the education of foreign countries, and, having acquired a vast amount of information on the subject, he took office as Secretary to the Committee of Council on Education as long since as 1839, and afterwards, in conjunction with Mr. E. Tuffnell, established the first normal training school at Battersea, at a cost to themselves of £750 per annum. From this course of action arose the great group of normal schools which had played so important a part in our educational system. To Sir James Kay-Shuttleworth the country was indebted to a great extent for the leading Minutes which had governed the action of the Education Department for many years past. After 10 years of service Sir James resigned his post; but down to the day of his death almost, his valuable counsels were always freely given to the Education Department, and he could not himself forget the ready kindness with which he placed his large experience at his disposal, on various occasions, when he had consulted him on some of the many important educational changes, which had been made since the present Government had been in office. The zeal, judgment, and discretion of Sir James Kay-Shuttleworth had effected much for the cause of education, and it would be most unbecoming in the State to forget the services which he had rendered. He hoped the House would also join him in expressing the regret which all must feel at the death of Miss Mary Carpenter, who had also rendered great service to the State by the work she did in connection with reformatory schools and other institutions of a similar character: he, himself, had been greatly indebted to her for the aid she gave him respecting day industrial schools, of which she must justly be considered the founder. The nation was deeply indebted to both: and thanks were as rightly due to them as to the successful general. It would be observed that the total amount of the Education Vote for England and Wales in the year was £1,910,000, or an increase of £203,774 upon the Estimate for last year. This increase had arisen from several causes. For instance, there had been appointed five additional Inspectors

Viscount Sandon

and 13 assistant Inspectors; furthermore, there had been a slight increase in the cost of the Training Colleges, owing to increased cost of living and the addition of a few students; while £2,000 was added by the cost of honour certificates. The main difference, however, between the cost of the two years had been caused by the increase in the annual grants, which had amounted to no less than £187,000. During the year the number of public elementary schools had been raised to 14,273, or an increase of 1,056, the accommodation afforded being now sufficient for 3,426,000, an increase of 280,000 upon the preceding year. This would be a sufficient supply for the educational wants of the whole country if the schools were in the right places; but, unfortunately, this was not so. In some districts there was a surplus of accommodation, while in others the schools were not so placed as to be most readily available for the purposes of education. It would, therefore, be necessary to increase the number of schools in some quarters; but this would not be done to a greater extent than was absolutely necessary. Since last year 460 new board schools, giving accommodation for 170,000 additional children, had been established, while in the same period the number of voluntary schools had been increased by 580, giving 110,000 additional seats. The voluntary subscriptions to Church of England schools had increased during the year by £63,817, and the number of subscribers by 14,874; to British and Wesleyan schools the increase in the subscriptions was £5,097, and in the subscribers 39; while to Roman Catholic schools the amount of subscriptions had increased by £6,202, and the number of subscribers had decreased by 518. The position, therefore, was that since 1870 there had been established 1,600 board schools—including 600 voluntary schools transferred to the boards—which gave accommodation to 556,000 children; that in the same period there had been established 5,000 voluntary public and elementary schools, affording seats for 1,100,000 additional children. The present state of the case was therefore that rather more than 500,000 seats had been provided by the boards at a cost of £4,427,000, and a little less than 3,000,000 seats had been provided by voluntary effort on an outlay of about

£13,000,000, supplemented by the Government grant amounting to £1,750,000, so that the total capital expended by the country on education was something like £19,000,000. There could be no need, therefore, he thought, for the country to blush as to the amount of work it had done in reference to the great work of education. With regard to the number of teachers, there had been an increase during the year of 2,100 certificated teachers, 460 assistant teachers, 2,600 pupil teachers, and 32 in Training Colleges. As far as the attendances of children were concerned, there had been an increase of 200,000 on the books and 150,000 in average attendance. It was satisfactory to know that 170,000 additional children, as compared with the preceding year, had made sufficient attendances to entitle them to Government grants. With regard to the work done by the children, he could have wished that more had been presented for examination in the higher standards; but he thought the fact as it stood was accounted for by the circumstance that the system was comparatively new, and had not as yet become thoroughly organized. He was confirmed in this view by the case of Scotland, a country which had had a much longer experience of compulsory elementary education than England. While in England 87 per cent of the children submitted for examination passed in reading, the percentage was 94 in Scotland. As far as writing was concerned, the percentage was 79 in England and 88 in Scotland, the proportions in reference to arithmetic being 70 per cent in England and 81 in Scotland. These results, he took it, were due to the more lengthy experience of Scotland as compared with England. With regard to the school boards and by-laws, he found that in England out of 202 boroughs 108 had boards, that 15 out of 21 boroughs in Wales were in a similar position, and that of 14,094 civil parishes in England and Wales 1,965 parishes in England had boards and 381 in Wales, making a total of 2,346, such boards covering a population of 12,829,000. Furthermore, by-laws had been passed for 11,221,000 out of a population of 22,700,000. As far as the cost of the education of the children was concerned, he found by comparison between England and Scotland that the expenditure per child in

all schools, board and voluntary, was £1 13s. 4½d. per head per annum in England and £1 16s. 11d. in Scotland. The rate for education in England amounted to 3s. 9½d.; in Scotland, to 10s. 2d. The Imperial grant in England was 11s. 8d.; in Scotland, it was 11s. 10d. It was worthy of notice that where the voluntary contributions went down there the rates went very largely up. He had a few words to add as to the operation of the new Act. It was, of course, impossible to judge as to its ultimate working, and he did not think that he was the proper person to pass judgment upon it. He might, however, state that out of 106 boroughs which had not school boards 103 had appointed school attendance committees which had shown great zeal in seeing that the children attended school. While of 587 Boards of Guardians, 412 had appointed school attendance committees. So far as he could judge, the Boards of Guardians as well as the Town Councils were throwing themselves into the work with earnestness. Then as to the power which the Act conferred on school boards to fill up by vacancies without popular elections—that provision was working satisfactorily. Much turmoil had been avoided and great judgment had been shown in filling up the vacancies so as to represent the mind of the electors. With respect to compulsion, he saw that some Boards of Guardians were discussing the question whether they had power to compel the attendance of children at school. He could only say that very serious results might follow their not doing so. He did not wish to press the matter, desiring rather to leave it to voluntary effort; and would only say that there was a certain section of the Act of which the Education Department could avail themselves if it were found necessary to do so; and he need hardly assure the Committee that they would not permit any neglect of the provisions of the Act. He rejoiced to observe the very satisfactory rivalry which existed in many quarters between the voluntary and the board schools. Everything seemed to point to this—that people were giving themselves to the great work of seeing that the children of the country had good schools, and that in those schools they were well taught, and had all the benefits and advantages which Parliament intended to secure to them.

Viscount Sandon

MR. W. E. FORSTER said, he hoped the noble Lord would be able to take the Vote at that Sitting. The noble Lord's statement must be satisfactory to every hon. Member present; and from the Report that had been published they had every reason to be hopeful about the progress of this great work, for they had now nearly got to the end of the great job they had undertaken of providing school accommodation for the masses. They were getting the constant attendance of the children, though there was still a great want of regular attendance. He regarded with satisfaction the comparison between the number of children present at examinations and the average number in attendance. Comparing last year with 1870—the year before the Act passed—the increase in the one was 68 per cent and in the other 72 per cent. He was glad the noble Lord had reminded Boards of Guardians that they had power under the Act of last year to compel the attendance of children at school. The noble Lord had spoken of the larger amount received from rates in Scotland than in England, and he said that as the rates went up subscriptions went down. The two countries could not, however, fairly be compared, as a rate system prevailed universally in Scotland and subscriptions were only obtained in special cases; but in Scotland, where the educational results were not worse but rather better than in England, the parent paid rather more than was paid in England. It was a great mistake to suppose that the cost of education weighed heavily upon the poor of this country. The contrary was the fact. He hoped the noble Lord would now be enabled to obtain his Vote.

Vote agreed to.

(2.) £224,689, to complete the sum for the Science and Art Department, *agreed to.*

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £288,782, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for Public Education in Scotland."

MR. LYON PLAYFAIR objected that the Vote could not be properly con-

sidered at so late an hour. He moved to report Progress.

Motion agreed to.

Resolutions to be reported *To-morrow*;

Committee also report Progress; to sit again *To-morrow*.

PUBLIC HEALTH (IRELAND) BILL.

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

[BILL 116.] SECOND READING.

Order for Second Reading read.

CAPTAIN NOLAN asked if there was any arrangement for referring the Bill to a Select Committee; and, if so, would the Committee consist mainly of Irish Members?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, he was not aware of any arrangement. The Government were willing to submit the Bill to the consideration of a Select Committee, and upon that Committee, of course, the feelings and wishes of hon. Members from Ireland would be consulted.

Bill read a second time, and committed to a Select Committee.

The House suspended its Sitting at ten minutes to Seven of the clock.

The House resumed its Sitting at Nine of the clock.

INDIA TARIFF—IMPORT DUTIES ON COTTON MANUFACTURES.

RESOLUTION.

Mr. BIRLEY rose to call attention to the East Indian Tariff, particularly in relation to the duties upon Cotton Manufactures; and to move—

“That, in the opinion of this House, the duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy and ought to be repealed without delay.”

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

Mr. BIRLEY said, that there was a great principle involved in the question which he had to submit to the consideration of the House. For the last 30 years free trade had been accepted in this country as the basis of our commercial legislation, and most thinking men now considered that it was the only policy which was worthy of a great commercial country. The question might, in fact, be taken as settled, so far as this country was concerned, and they lectured foreign countries and remonstrated with the Colonies, where they showed protectionist proclivities. But when they came to apply the principle of free trade to India they were met with the cry that they ought to legislate for the interests of India; but it would be difficult for those who took the protectionist view to prove that protection would conduce to the true interests of that country, or that the people of India should have the cost of clothing increased by a tax upon articles of clothing. He maintained that it would be well for this country to hold forth the standard of free trade, and not to have one policy for England and another for India, and so appear to justify foreign countries and the Colonies in upholding protective duties. There was no real antagonism between the two countries. Lancashire was the best customer that India had, and if Lancashire suffered India suffered also. The argument used by the upholders of the present system was twofold—first, that practically there was no protection in India; and, secondly, that the duties now levied on cotton imports could not possibly be spared. It was contended that India was pre-eminent in the production of coarse cotton goods, and that Lancashire excelled in those of finer quality, that each had its own sphere, and that the reasons for interfering with the present state of things were really too trifling to be taken into account. The fact, however, was that Lancashire exported a considerable quantity of coarse cotton goods to India 20 years ago; but those exports had been declining for some time in consequence, as he alleged, of those protective duties. Those goods were made mainly from Indian cotton, in which the Native manufacturer had considerable advantage over the English, in addition to the protective duty which turned the scale against the English manufacturer. Adam

Smith, in his *Wealth of Nations*, said that in manufactures a very small advantage would enable the foreigner to undersell our own productions, even in the home market. Now, he maintained that 5 per cent was a very considerable enhancement of the cost of an article, and was not immaterial, as some people seemed to imagine. In the case of an ordinary piece of shirting, such as was usually exported to India, half the cost was due to the raw material, one-fourth to the wages of labour, and one-fourth to other expenses. The Indian mills had the advantage of near access to the raw material, together with a very great saving in the wages of labour, which in India were very low as compared with those paid in England. Moreover, the operatives in India worked very much longer hours than the operatives of Lancashire did, and also worked a greater number of days in the year. It might be said that the number of spindles in India was much smaller than that in Lancashire; but the proportion in India, as compared with Lancashire, was now, through competition, much larger than it was even two or three years ago. Again, the immense improvements which had been made in machinery could now be quickly introduced into India. It was argued that, though the coarse goods made in India might largely supersede those of the same kind made in England, yet the English manufacturer could rely on maintaining his pre-eminence in the manufacture of the finer kinds of yarn. That, however, he believed to be an entire fallacy; and as the Indian manufacturers could make the higher qualities of yarn they would, having already taken away a large part of the English trade, succeed in taking away also a half or a third of that which still remained. No one would question the immense importance of the trade between India and England, which was not to be measured by the mere export and import tables. All the different agencies, the carrying trade, the ramifications of various kinds connected with it, perhaps equalled in magnitude the direct traffic itself; and if we were to lose our trade with India we should lose a most important branch of our commerce. He now came to what was perhaps the most important point of all, the financial question. It was said that the financial equilibrium in India must be main-

tained, and that they must not lay oppressive taxes on the people of India. His firm conviction was that it was not necessary to imperil the financial equilibrium of India, or impose oppressive taxes on the people. He had the honour of sitting for three or four years on the Indian Finance Committee of that House, and he then came to the conviction that, while they had reason to be grateful for the care taken to adjust the finances of India, still much remained to be done. They had seen also from the Budget speech of Sir John Strachey last March, and from the statement of the noble Lord (Lord George Hamilton), that the Indian Government was addressing itself resolutely to that question. The subject of the salt duties, especially with regard to distribution, deserved the attention of the Government. Our internal duties in India should be repealed; for how could we lecture Native States about their transit duties if we neglected to abolish our internal duties? He looked to improved means of transit for the prosperity of India. Railways would prove the means of vast improvement in India, and would enable them to cope with those terrible famines which arose from time to time. With regard to the depreciation of silver, there was great hope that the United States would adopt a double currency, and if they did so the difficulty with regard to silver would disappear. With respect to extraordinary works, they were henceforth to be enabled to see what they cost, the expenditure upon them being treated as capital laid out for the improvement of the country. Those works ought not to be undertaken unless they could be shown to be of pressing necessity or likely to yield a good return. Though much remained to be done to simplify and improve the finances of India, they ought not to take a gloomy view of those finances. Sir John Strachey had shown that the ordinary revenue of India had improved within the last five years by about £2,000,000. Then the ordinary expenditure was not increasing—a most favourable circumstance. Many might think that ordinary expenditure might be further reduced. That was a point on which he gave no opinion further than that the matter was one which required to be carefully and resolutely looked at every year and every month. The hon. and gallant Member for Kin-

Mr. Birley

cardine (Sir George Balfour) had given Notice of an Amendment which seemed to imply that this country should, out of the Consolidated Fund, provide £2,000,000 per annum to enable the Indian Government to abolish its Custom duties, and also that that House should abolish the duty on tea and other products of India; but he (Mr. Birley) did not think that this was the time to ask the Chancellor of the Exchequer for such a sum. Then there was the Amendment of the hon. Member for Kirkcaldy (Sir George Campbell), which was that it was not possible, in the present condition of the finances of India, to abandon the greater part of the import duties without an extensive re-adjustment of the financial system, and a fair consideration of other claims to remission of taxation. Well, that was what he (Mr. Birley) ventured to controvert. This was a matter of pressing necessity, and it was not desirable to maintain a course of irritation between their manufacturing population and the people of India. The hon. Member for Hackney (Mr. Fawcett) proposed to get rid of the subject by moving the "Previous Question;" but they had a right to expect that the Government would give its opinion on this question. The Amendment of the noble Lord the Member for Middlesex (Lord George Hamilton) was the most reasonable of all that had been placed upon the Paper; but he (Mr. Birley) looked upon it with considerable suspicion, because, although it was reasonable enough in its terms, it appeared to give an opening to whoever might be the rulers of India to procrastinate. No one would expect, if the Motion were carried, that immediate directions would be given for the abolition of these duties; but the work, however difficult, was one that must be set about at once, and it should be understood both in this country and in India that the manufacturers of India were no longer to look for protection. The hon. Gentleman concluded by moving his Resolution.

Mr. JACOB BRIGHT, in seconding the Motion, said, the question had been so much discussed both inside and outside of that House that those interested in the abolition of the duties were perfectly aware that they had many and powerful opponents. They were assailed in various ways. Some men denied that there was any importance attaching to the matter,

and said that the supporters of this Motion were the victims of a delusion. If so, the delusion was one of a very unusual character, for, unlike other delusions, it grew by discussion; it took possession, not of the ignorant, but of men of every rank of life and of every degree of intelligence—from one of the ablest of Her Majesty's Secretaries of State down to the humblest artizans. There were others who admitted the importance of the question, but who told the abolitionists that they were pursuing a selfish object without regard to the interests of India. ["Hear, hear!"] Hon. Members cheered that statement; but the men of the Northern Counties who were interested in the question said they only asked for justice. They asked for a fair field and no favour. They were willing to bear with competition, not only with Indian manufactures, but with those of every other country, provided they were put on equal terms. They maintained that wherever the legislative authority of the British Government extended, there should be no protective duties, but that every manufacture should stand on its own merits, and they asserted that these duties were injurious and dangerous to England and India alike. He would ask, was there any hon. Member who would deny that these duties were injurious to England, or that they limited the work of the labouring man and affected his wages? They could not be raised except in the most wasteful way, because they imposed a double tax—a tax in favour of the Exchequer and another in favour of a protected class. If he represented in that House not a Lancashire constituency, but an Indian constituency, he should be quite as much opposed to these duties as he was at the present moment; and he should oppose them mainly on the ground that they went to create a protected class in India, a class essentially selfish, and whose interests were always opposed to those of the rest of the community. They had only to continue this protection long enough in order to make this class powerful; and they knew from experience that such a class often became so powerful that the Government itself was unable to prevail against it. How far the appetite for protection had already grown in India might be shown by a remark made by Lord Lawrence in the House of Lords last year. He said

that these duties were not objected to by the people of India, but that on the other hand they would prefer that they should be quadrupled in the interests of their own manufactures. It was said that the official class in India—the Civil Service there—were already investing their spare money in the protected mills. This being so, it was evident that we might soon have a powerful body in India that would be most difficult to deal with. But he would here say a word as to the importance of English interests. Of our total exports of cotton, yarn, and cloth, we sent one-fourth to India; we sent, in fact, more to India than to the whole Continent of Europe. Was this a trade which was so secure that we could afford by deliberate legislation to assist in its decline? There were men outside that House like Mr. Jackson, of Blackburn, who had long studied the question, and who maintained that the advantages of India were so great that a time would come when she would to a large extent manufacture her own goods, leaving England with a losing trade. He found that in the five years ending 1874 we exported 60 per cent less goods to India than we did in the five years ending 1856—that in the Bombay Presidency there were, in 1871, only 11 factories, whilst in the year 1875 there were 41. In 1870 India imported from England machinery to the amount of £300,000, while in 1875 the value of the machinery so imported was £1,500,000. This showed how much the trade had extended in India, owing, in part, to the system of protection. But it would perhaps be said that although the export of coarse goods to India had very much declined the exports of the finer fabrics had greatly increased. This was true. In shirtings we had had a great increase of exports to India; but the manufacturers in India having succeeded so well in making the coarser fabrics we had been accustomed to send them, had now begun, we were told, successfully, to manufacture the finer fabrics. Well, if this went on long enough we should find that there would in time be the same falling off in the finer as there had been in the coarser fabrics. He asked the House to remember how cheap labour was in India. In that country there was no interference with the hours of labour. They might work seven days a-week if they liked,

and for as many hours a day as they chose. Besides, India grew her own cotton, while in our case it had to come 5,000 miles in the first instance, then to go back the same distance, in order to get into the Indian market. Again, India imported her machinery free of duty. She had iron and coal of her own; and although it might be that the development of these products was only in its infancy, we knew what would come in this direction sooner or later. Some people were accustomed to say that the 5 per cent duty was a mere bagatelle; but it should be remembered that every factory in Lancashire or elsewhere which sent £100,000 worth of cotton goods to India every year had to pay £5,000 per annum before those goods could enter that country. Was this, he asked, a matter of no moment? His hon. Friend (Mr. Birley) had shown how a moderate duty was influential in retarding or expanding the mercantile trade of a country. The House should remember that we were now about to renew our Commercial Treaty with France. There was great hope on the part of the mercantile community that we might have a more favourable Treaty than the last. The Chambers of Commerce throughout the Kingdom would strain every nerve even to reduce the duties on goods going from this country to France by 5 per cent; and if Her Majesty's Government did not do all that lay in its power to aid them in procuring this result, it must expect to meet with the greatest condemnation. But it seemed to him to be a ludicrous thing, after all the effort that was being made here to reduce the duties on goods entering France, that we should be careless about the duty on goods entering India. Some men said this was simply an affair of the rich spinners of the North of England. He said it was much more the affair of the working men, for the rich spinners could transfer their capital, if need were, to India. Capital did not consider climate; but the work-people had to consider that matter, and those who worked for wages in England could not follow the capital which had already gone, and which might go in still larger proportions in future to India. The question was sometimes asked—Of what good was the possession of India to this country? Well, first of all there was the glory of its possession; there

Mr. Jacob Bright

was the occasion it gave of conveying to a lower, the benefits of a higher civilization; there was the fact that thousands of our people had been enabled to live in affluence in its Civil and Military Services, and there was a belief that our trade with India was more secure than it could be if India were in other hands. This last consideration had great weight with practical minds. The security of our commerce should not be treated with indifference by a House which represented a people, millions of whom could only live by the exchange of their products with other countries. It would be admitted that if the trade between this country and India were to decline, the bonds between the two greatest portions of our great Empire would be less strong. They were told that they should be just to India. He was there to assert that those whom he represented in the manufacturing districts of the North of England were as anxious to be just to India as any other portion of the Kingdom could be; but they should also be just to England. The operatives of the North had enough political intelligence to know that the possession of India implied some perils in the future, and was not unattended by pecuniary burdens upon the people. The Crimean War was understood to be fought for India. English interests, we heard so much of at the present time in the East of Europe, had reference to India; and when the Army and Navy Estimates showed a large increase year by year, and the Government was challenged on the subject, the Secretary of State for War stood up in his place, looked round the globe, and dwelt upon our great responsibilities and our vast Empire. Did anyone suppose that in his survey of this vast Empire India was left out of his consideration? With the inevitable burdens we demanded such advantages as could be had without injury to our Eastern fellow-subjects. A little while ago we gave £4,000,000 for shares in the Suez Canal. What was the wisdom of giving a great amount with one hand to provide a safe channel to India, while, with the other, we pursued a policy that lessened the freightage which went through that channel? But we were asked, where was the money to come from for the remission of these duties? In answering that question he would not enter into the perplexing subject of

Indian finance—a subject which seemed to become more obscure the more it was discussed, seeing that though it was a question of fact, men of equal authority in that House took the most opposite views in regard to it. The case before us was simply this. In a country with a revenue of over £50,000,000 we were in want of the comparatively trifling sum of £800,000. He thought that nothing was more likely to bring our statesmanship into contempt among the working class than to tell them that this sum could only be raised by a protective duty, which tended to starve the people at home, which was the most wasteful of all taxes, and which bred and sustained one of the greatest curses of modern times—namely, a protected class. If this House would by a decisive vote strengthen the hands of Lord Salisbury, he, with his great ability and energy, would soon find a way out of the difficulty. He would soon give free trade with regard to these goods between England and India, and a question of an irritating and unfortunate kind would at length be set at rest.

Motion made, and Question proposed,

“That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay.”—*(Mr. Birley.)*

SIR GEORGE CAMPBELL, in rising to move the following Amendment:—

“That in the present condition of the finances of India, it is not possible to abandon the greater part of the Import Duties without an extensive re-adjustment of the financial system, and a fair consideration of other claims to remission of taxation,”

said, he felt that anyone who undertook to discuss the subject with a view of doing justice to India had a somewhat uphill task. The Government was very much pledged to the repeal of the cotton duties, and had thereby gained a great amount of popularity in Lancashire. And if he was rightly informed, those who represented the Opposition on the Front Bench, and who were now conspicuous by their absence, were also inclined to support that view of the case which would meet with the approval of Lancashire. That being the case, he felt that anyone in his humble position who undertook to plead the view of cau-

tion in this matter required somewhat of the indulgence of the House. By all means let them remove the duties if they could, but let them find the money before doing so. His hon. Friends who had spoken had said, in somewhat vague terms, that the money might be saved somehow; but they had not taken upon themselves to show how it was to be done. He did not believe any independent ruler of India, whether Native or European, would remit these duties. They were not in their origin of a protective character; like those imposed for avowedly protective purposes in the United States and several of our own Colonies. They were small in amount, in no case exceeding 5 per cent, and the small amount of protection they afforded was only incidental. They fell mainly not upon the poor, but upon the middle and upper classes of India. The question resolved itself into this—that not only were the cotton duties to be sacrificed, but the whole of the import duties would also have to be abandoned; because the cotton duties were two-thirds of the whole, and of the remainder many other articles had equal claims. If this Motion were agreed to we must necessarily have unrestricted free trade in India. They were asked to sacrifice these duties on the very highest free trade principles. He admitted that under certain circumstances free trade was a very good thing; but he must remind the House that the world was slow to admit the desirability of free trade in all circumstances, and that this was the only country which had thoroughly adopted it. We had done great things for India, and India owed us a great debt, and our rule in India was not a selfish rule. It was most desirable that we should not wound a large British interest in the tenderest point. Taking a practical view of the matter, he admitted the Government had pledged itself to a certain extent to a remission of those duties. No doubt the people of Lancashire felt very much aggrieved in this matter, and it was certainly hard that those who had created such a wonderful machinery should see another country cutting them out by the use of their own tools. He considered it in that view desirable that these duties should be given up, and if the Indian revenue was in such a position as to authorize their being given up they ought to be

Sir George Campbell

given up. But as the Indian finances would not admit of that sacrifice of revenue, if the Government held out a hope to the manufacturers of Lancashire that the proposed remission would be made, they must face the matter boldly, and state how the necessary money was to be obtained. He regretted that the Government of the late Viceroy of India had proposed to increase the salt duty. He considered the proposal to increase the salt duty a wicked one. That duty ranged from 600 to 2,000 per cent on one of the most indispensable articles of consumption, and amounted to an income tax of 6d. in the pound and upwards on every working man in that country. It was a duty which limited the use of articles of consumption, for it limited the consumption of fish and the supply to cattle, and was a very crying grievance. If the question of abandoning revenue came to be considered in India, it must be regarded not only with regard to the question of import duties, but with regard to the condition of the poorer classes. The question of the remission of the cotton duties involved the remission of the whole of the import and export duties, amounting to £2,500,000. The export duties stood on a different footing from the import duties; but it would be an anomaly that could scarcely be justified to give up the one and to maintain the other. If the Motion should be carried, it was clear that the import duties must give way, and then the export duties could not be justified. Taking a broad view of the financial situation, it must be remembered that such a loss of revenue as that involved in passing the Motion of the hon. Member for Manchester (Mr. Birley)—namely, of £2,500,000—must be accompanied by a concession to the poorer Natives of India of £1,500,000 or £2,000,000 of the salt duty. There must, therefore, be a surplus of £4,000,000 or £5,000,000 before this great financial operation could be undertaken. But had they this surplus? Certainly not. It was clear from the speech of the noble Lord on the Indian Budget that there was no existing surplus in India; and that, on the contrary, they were borrowing year after year to supply an ever-recurring deficit. They had been obliged to impose fresh taxation this year, and therefore they ought not to adopt the Resolu-

tion as it stood. The Government were bound either to undertake a great financial operation or else to say to the Lancashire Members that they could not agree to their proposal. He could not sit down without saying that the observations which the hon. Member for Manchester (Mr. Jacob Bright) had made as regarded the Indian Civil Service were not justified. The accusation was, in his opinion, an unjust accusation. Whatever their faults, the fault had never been attributed to them of pecuniary corruption of any kind. From corruption they had held themselves aloof far more than the Civil Servants of this country; their reputation had been fair and unsullied in the past, and he trusted it would remain fair and unsullied to the end. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the present condition of the finances of India, it is not possible to abandon the greater part of the Import Duties without an extensive re-adjustment of the financial system, and a fair consideration of other claims to remission of taxation,"—(*Sir George Campbell*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL WALKER claimed the indulgence of the House as a new Member, and as the Representative of a large constituency (Salford), which was greatly interested in the cotton manufactures. The hon. Member who had just sat down opposed the Motion because he wished the Government to remain unfettered; but if the Government remained unfettered, the manufacturing interests of this country would remain fettered for a long time to come. It had been said that the manufacturers and Representatives of Lancashire were putting a pressure on the Government. But there was nothing political in the matter, because the Motion had been proposed by an hon. Gentleman on that side and seconded by an hon. Gentleman on the other side. For himself, living, as he did, in the centre of a large manufacturing county, he would say that they wanted no favour, but they did want fair play. This question had been spoken of

as one that most concerned very large capitalists. Hon. Gentlemen who thought so laboured under a great delusion. Those who were most affected were small capitalists, who were struggling against a tax imposed upon English goods by an English Government. This was not a question of Party. The whole Empire ought to be governed for the good of all, and this country, its trades and manufactures, ought not to be made to pay the penalty of too small an income of any one of its Possessions. They had been told by the hon. Member (Sir George Campbell) that this 5 per cent duty was only a small duty. The hon. Member had, happily, no concern with trade or commerce, or he would know that a small duty might lead to a great injustice, and that small duty was an undoubted hardship upon the manufacturing trade of the Northern Counties. In Lancashire they were already suffering from hard times. They were ready to concede to India the advantages she already possessed—cheap labour, long hours, the staple on the spot, a market close at hand; all they asked for themselves and countrymen was fair play, and that they did not get at the present moment. We were told of the great and overwhelming difficulty of meeting this £800,000 if the duty was remitted. We all knew that you would not easily find shoulders ready to accept any burden, and when everybody was willing to be taxed, the duty of governing would be easier and more agreeable than it was at present. But all the supporters of this Motion asked was that this question should be looked at in an impartial manner, and they left the interests of our manufacturing counties in the hands of the House, in the full conviction that they would meet with the justice to which they believed they were entitled.

MR. BRIGGS said: Mr. Speaker, we who advocate the repeal of these duties labour under one great disadvantage—that is, we get small, very small, sympathy from those who do not fully understand the question, and who are, therefore, unable to appreciate the magnitude of the interests at stake, and the damage which is being done to the great cotton industry of the North of England by the action of these obnoxious duties. There are, I fear, a great many people in this country, I hope I may say not in this House, who still regard the cotton

manufacturers of Lancashire as being a very rough-and-ready sort of folk, with a very keen eye to their own interests and a happy and profound indifference to the interests of others; an uninteresting class on the whole, but having one great redeeming feature—namely, that their pockets are overflowing with the immensity of the superfluity of their wealth. The operatives again are trade harpies who, when the good things of commerce are put upon the capitalist's table, swoop down upon them and carry off the best of everything, understanding nothing of, and caring nothing for, the fluctuations and vicissitudes of commerce. Well, Sir, those who hold views regarding us such as those I have faintly outlined, might be pardoned for saying—"Why do not you Lancashire manufacturers amongst you pay off this miserable sum of £800,000 a-year without making such a fuss about it—you are wealthy enough? And as for you operatives, you ought to be only too rejoiced at having the opportunity of extending to your coloured fellow-workman in a distant land an increased means of earning his means of subsistence, even although it may result in the curtailment of the means of earning your own. Ay! even although it may result in a lowering of your wages themselves." It may be, Mr. Speaker, that in Lancashire we are somewhat wanting in the full development of high-flown philanthropic sentiment; but certain it is, that neither the mill-owners nor the operatives of Lancashire can for one moment admit the propriety of either of these propositions. Now, I am speaking in the presence of many Lancashire commercial men who will correct me if I am wrong, and I would not mind being judged by the right hon. Gentleman the Home Secretary, of whom Lancashire is justly proud, who is, or was, a banker, and who, I hope, does not know to his cost that Lancashire manufacturers are not now-a-days in the majority of cases wealthy men; on the contrary, they are struggling men, often commencing their business life on borrowed capital which they are laboriously endeavouring to pay off. Besides, the conditions of our trade are almost altogether altered. There was a time, I'll grant ye, when a Lancashire manufacturer never stopped to consider whether he would make a profit or a loss; profit was certain, and the only question

was how much money he would make? But that is a long time ago; that happened before I was born. At that time, what is technically called the turn-over of a mill was small, and the margin of profit was great. Now-a-days, Sir—thanks to the increased price of everything which we use in our manufacturing processes—thanks to increased competition at home and abroad—thanks to the limitation of hours imposed by this House, with which I do not quarrel, but which, on the contrary, I should like to see extended to India when hon. Members may be pained and shocked to learn children of tender years and women with infants at the breast work thirteen and a half hours a-day, seven days to the week, and nobody lifts a finger to help them—there is, I venture to submit, a wide and noble field for the philanthropic endeavours of those noble Lords and hon. Gentlemen who have been lately having a newspaper discussion as to who has done most or least for the factory operatives of this country—well, thanks to those matters to which I have alluded and to others with which I will not weary the House, a Lancashire manufacturer is obliged at the present time to look for a remunerative return for his risk and capital outlay, not to a small turn-over and a large margin of profit, but to a large and rapid turn-over and a small margin of profit. Now, whenever you have a larger turn-over you have an increased production, and this may serve to explain to hon. Members what might otherwise seem inexplicable—namely, how it is that there should be discontent in Lancashire at having to pay this tax co-existent with an increased exportation of cotton goods to India. This is a fact to which our Indian opponents point with an assumption of triumph. They say—"You grumble, but you send us more goods every year." Yes, Sir, but are these Gentlemen who pin their faith so firmly to statistics aware that during the past twelve months large quantities of cotton goods have been sent to this country from America, and sold here at prices that could not possibly be remunerative to the American manufacturer? Because there has been an increased exportation from the United States, does that prove that the cotton manufacturers of America are in a sound and satisfactory condition? The facts are noto-

Mr. Briggs

riously to the contrary; and if further proof were needed, I might tell the House that I know of many cotton operatives who, after emigrating to America with their wives and families, have been obliged to return home again, because they could not earn enough money in that country to keep themselves in comfort. No, Sir, increased exportation, taken by itself, is no safe criterion of the healthy condition of the trade with which I am connected; and, speaking generally on this part of the subject, before I leave it I may say that the larger your turnover is obliged to be, in order to secure a margin of profit, the smaller will that margin of profit be; and the House will therefore see for itself that the narrower the gulf which separates profit from loss, the greater will be the damage done by this obstructive rock of a 5 per cent duty. That is to some extent the millowners' view of the question. The Lancashire operative, Sir, believes that, by the action of these protective duties, the bread is being unfairly and unjustly taken out of his mouth; he is patient and uncomplaining as a rule. I have never seen men more patient and enduring than our cotton operatives when under the strokes with which Providence has at various times thought fit to visit our trade. Hon. Gentlemen, many of whom contributed nobly to the funds raised in aid of our suffering population during the late cotton famine, may perhaps remember some of the tales that were told by those who were disinterested enough and self-sacrificing enough to serve on the relief committees—how people apparently comfortably off, if you could judge from their attire, came and asked for help, and how the members of the committee looked at one another, and wondered if it could really be true that these people, who seemed to be in good circumstances, could be in actual need of the bread and the soup which were doled out by these centres of relief; but on going to the homes of these poor people what did they find—bare walls! naked floors! destitution and utter want. Their little bits of furniture had all gone, and their few ornaments, mean and paltry perhaps to the eyes of hon. Members, but treasured by these humble people because connected with memories of their simple past—everything had gone, and it was only when some loved

child, or husband, or wife maybe, was stricken down for the want of those necessities for which, poor folks, they would willingly have worked, if they had had the chance, that they were at last driven to seek relief. They were too independent to do so before—too proud, if you will. Do you blame them for it? Too fearful of being branded with the odious epithet of pauper. All through that fearful time not a murmur. Sir, they are as patient and as independent this day. And if they have sent up Petitions from every mill and workshop engaged in the trade; if they have sent up deputations to London on funds provided by the pence of the people, the House may take it as certain, and you, Sir, may be sure that in this matter of the India import duties the cotton operative of Lancashire feels and knows that his future well-being and comfort are at stake. Now, Sir, what is our plea in asking for the abolition of these duties? We ask for no bounty to aid us in our competition with our trade opponents; we cringe for no favour; all we ask for is justice. When have you heard us complain because our trade is hemmed in by factory legislation of the severest kind, because we are inspected at every turn, told whom we shall employ, how long we shall employ them, and the conditions under which they shall labour; when have you heard us complain—more than other people, at any rate—because the fruits of our industry are taxed; from all of which, I fear I must say, impediments to trade, our Indian rival goes free. No, Sir, we kiss the rod of Parliamentary discipline which many of us have heartily co-operated in framing for our own backs, and we, at least, honestly endeavour to believe that every out-come of the collective legislative wisdom of this House is for the benefit of us all, employers and employed alike; but the last straw which breaks the back of our patience is this—that after we have sent abroad the Mercantile Marine of this country thousands of miles to fetch us home the raw material, which we quickly turn by a costly process into cheap and useful clothing for the millions of India, and which we then quickly send to our great Eastern dependency, after thus triumphing to some extent over time and space, that we should be told—“No, your goods shall not enter into competition with ours, unless you will pay

an entrance fee of 5 per cent." But the Hindoo purchaser? You ask—Has he no interest in this matter? The poor man whom you see going from stall to stall in the Native bazaar, endeavouring to cheapen his one poor article of clothing, has he no interest at stake? The answer is—"Oh! the poor purchaser must take care of himself; that is no concern of ours; what we the Government of India, what we the official classes and interested millowners have to look to is, that a rising Indian industry must, at all hazards, be fostered." Why, Sir, this is rank protection! Is the House willing that this state of things should be continued? If so, what a contradiction in practice of your loudly enunciated Free Trade principles; what an example to set the nations of Europe just at the moment when Treaties of Commerce are expiring! I may be told—"Yes, but if India were self-governing, you would have more duty to pay than you have now—look at Australia! look at Canada!" Sir, we are not answerable for the trade follies and fallacies of our self-governing Colonies. Experience is proverbially a commodity that cannot be bought, that cannot be handed over; it must be earned, and I very much fear that both Australia and Canada must earn for themselves the same bitter experience of the evils of protection that their Mother England has done in the past, and their Cousin America is earning now; but I respectfully submit to this House of Commons that, inasmuch as India is not a self-governing Colony, inasmuch as she is governed directly from this country, that it would be wrong, aye more, it would be criminal in us to allow her to pursue a course which we know from our own bitter experience to be a wrong and a false one. I trust the House will pardon my speaking at this length, but I represent a district which, although small in area, yet pays considerably over a fourth of the whole of these duties; but in any remarks that I may make I will endeavour to be as brief as possible; and to begin with, I will not waste the time of the House by entering into a long discussion on the protective nature of these duties, and, for one very simple reason, because it is unnecessary. The fact has been admitted by such authorities as Lord Lytton, Lord Salisbury, and, greatest authority of all, Sir Louis Mallet, and

condemned by them on these very grounds! Why, even our Indian mill-owning opponents in India admit that there is a protective element in these duties; but they say "the area over which that protective element has power is a small one, being, as a matter of fact, confined to one-twentieth of the whole of your trade to India—namely, the small amount of coarse cotton goods, which class of cotton goods India mostly makes for herself. Therefore, your grievance being such a small one, your claim to the abolition of these duties falls to the ground." That is a very specious argument, Mr. Speaker; but, when you come to consider it, there is a refreshing hardihood about it which is well worth the consideration of hon. Members; for what are the facts? India, some years ago, for fiscal purposes, imposes a duty on cotton goods; an Indian cotton industry springs up. Through the action of these duties, now become protective, as we contend, and as we can prove, India ousts us from all but a microscopic portion of what used to be the easiest, the largest, the most profitable branch of our trade; and then, having done us this injury, and without giving us any guarantee for the future, India has the courage to turn round and twit us with the very small portion of goods of this character which we now export, and upon this to argue that therefore, being injured in so slight a degree, our claim to the abolition of these duties falls to the ground. Was there every such an extraordinary conclusion arrived at, built upon such licensed premises? Sir, we were compared last year, by a very high authority in India, to a man who cried out that his whole body was in danger because his little finger ached. The comparison would have been juster had we been likened to a man whose right arm was withered up by the action of a slow, insidious, but fatal poison, and who knew from his own symptoms and from the opinion of those upon whose advice he was wont to rely, that unless some powerful antidote, some strong counter-irritant were applied the whole of his body and the whole of his powers of resistance would fall a victim to its fatal influence. That is our position, Sir. We know that these duties have injured us in the past; we know that they are injuring us at the present

Mr. Briggs

time; we justly fear that they will hurt and injure us in the future. An hon. Gentleman who sits below me (Mr. Grant Duff) gave us some friendly advice last year, which I, as one of the Members who took part in the debate, accepted in the same friendly spirit in which it was given. The hon. Gentleman said—"You would have done better had you displayed a little more of the wisdom of the serpent, and argued this matter from an Indian rather than from an English point of view." Sir, I, for one, did not consider it necessary to pursue that serpentine line of procedure; we had such a palpable grievance, we had such a plain, unvarnished tale to tell. Besides, I did not forget then, as I do not forget now, that there are hon. Members of this House who take the Natives of India under their protection, and, if it is necessary, to fire their enthusiasm, if it is really needful, to screw their courage up to any particular sticking point, so as to become bold and enthusiastic colleagues with us in our endeavours to secure the repeal of these duties, I would remind them that, although we Lancashire manufacturers pay £800,000 a-year to the Indian Exchequer—a sum which appears on the Estimates, which everyone can see—yet there is another sum which does not appear—namely, a sum amounting to nearly £800,000, which is paid by the Hindoo purchaser to the protected millowner. Mr. Speaker, I should be but a sorry antagonist, I fear, for the poorest and meanest political economist in this House, and I therefore will trouble hon. Members with no crude ideas and theories of my own; but what said Professor Bonamy Price in a pamphlet which he wrote a short time ago? Talking of Protectionists he said—

"What is it they seek to accomplish? Nothing less than to raise a charity tax on the whole people for the benefit of those employed in a few particular trades. Protection, under the plausible disguises of not throwing poor people out of work, and not allowing them to be trampled upon by foreign rivals, sends round a begging cap to all buyers of goods to make charitable contributions to particular individuals. Free traders are called hard-hearted; but what sort of feeling is it which inflicts impositions by force of law on every consumer for the advantage of some of their neighbours?"

And, again, *The Times* newspaper, in

lecturing the silk manufacturers' deputation the other day, observes—

"It is a great pity, no doubt, that the silk trade of Coventry and Derby should be in such a bad way. We are very sorry for the distress of the weavers. But the gentlemen who waited on the Foreign Secretary made the mistake of supposing that nations exist for the sake of manufacturers instead of manufacturers for the sake of nations. Free trade is good because it is more profitable to benefit 10,000 persons than it is to benefit a single man."

Sir, I claim not only Lord Derby, the Leader of the House of Lords, and *The Times* newspaper, the leader of public opinion, as enthusiastic Colleagues; but I also claim the co-operation of the learned Professor from whose writings I have quoted. Would that I could be as sure of the co-operation of another learned Professor in this House (Professor Fawcett). Mr. Speaker, I have talked over this matter of the Indian duties with many of our opponents, and they may be divided into two classes. There are, first, those who admit that these duties are bad ones, and ought to be abolished, but who declare that there are other Indian duties which press more heavily on the people of India, and to which they take an equal or worse exception. When pressed to name the particular duty which they have in their mind's eye, they generally say—"Oh! the salt duty." Well, Sir, I admit that the salt duties do press very heavily upon the people of India, and I would gladly see them abolished. But I was told on high authority that it would be impossible to deal with the salt duties for some time. Besides, Sir, consider what a drop in the great ocean of the salt duties would the abolition of £800,000 worth of duties be. Again, what difference can it make to the Hindoo whether a tax is taken from off his food or his clothing? Indeed, Sir, I sympathize very strongly with hon. Members who wish to secure the abolition of the salt duties, because there is a great similarity in some respect between the salt duties and the duties of which we Lancashire Members complain. Both are taxes on necessary commodities; both affect every man, woman, and child in India. [General Sir GEORGE BALFOUR: No, no!] Well, I beg the hon. and gallant Baronet's pardon as far as regards the children. The children in India do not wear anything for the first few years of their life. I was at-

tempting to prove that these two duties were so far equal; but there is this radical difference between them—that whereas, on every pound of salt manufactured in the country or out of it a duty is paid, it is only on the cotton cloth manufactured out of India that this duty falls. The other class of opponents to whom I alluded are those who, while admitting that the cotton duties are worse than any other, and that they ought to be abolished, start back frightened and aghast before the great and fearful hiatus which the abolition of them would make in the poor, the mean, the insignificant revenues of India. When I was in India, just before the abolition of the income tax in that country, and at the time when I believe the hon. Baronet the Member for Kirkcaldy (Sir George Campbell) was convincing the Legislative Council of India with his oratory, I heard tales that made my blood curdle of the inequality of the incidence of that tax, of the difficulty of its collection, of the dreadful hindrance it caused to commercial enterprise and professional skill; but I never heard one word as to the financial difficulty which would ensue in the event of the income tax being abolished. That tax was abolished with the consent and approval of those very classes who now oppose the abolition of the duties of which in Lancashire we complain. Where there is a will, Sir, there is a way. Did not the noble Lord opposite (Lord George Hamilton) deal the financial pessimists of India a heavy blow the other day when he made his Financial Statement? Did not hon. Members go home with a greater conviction of the healthy condition of Indian finance? Must I remind the House that in 18 years the revenues of India have increased some 70 per cent? Is the House not aware that the revenues of India for seven years show a surplus of £2,000,000, after paying for £12,000,000 of famine expenditure, while the closed accounts for 1875-6 show a surplus of £1,668,000. Besides, enormous sums have been wasted in India in what may well be called extraordinary public works; ships chartered for Government purposes far higher than the market rate; railways guaranteed by Government, that seemed as if built on purpose to carefully avoid the centres of population; barracks that

tumbled down before even a soldier crossed the threshold; canals dug for irrigation purposes that watered the land with salt water; and bridges that plunged, as if ashamed of their faulty construction, beneath the torrents they were meant to span. Sir, I do not mean to say that money has not been well spent in India on useful public works; I do not stop to ask whether remunerative or otherwise; I do not say that money has not been well spent in foiling that fearful foe of India—Famine; but I do contend, Sir, that it is wrong to make the present generation, which will probably benefit less than any other, bear the whole cost of carrying out useful public works; I respectfully submit that it is cruel to place on shoulders already weakened by famine, the whole burden of costs incurred in meeting that famine. Sir, if these charges be spread over a sufficient number of years, India, I will venture to say, will be able each year to show a surplus far more than enough to make up for the loss which would be incurred by the abolition of the duty on manufactured cotton goods. Sir, I thank the House for having so kindly listened to me, and would entreat Her Majesty's Government to disregard the sneers and taunts of mill-owning monopolists abroad, and noble Whig re-actionists at home, who would seem to wish us to believe that because Her Majesty's Government desire to take this burden from off the people of India, and at the same time to do an act of simple justice to Lancashire, that they are actuated by no higher motive than a desire to perform an act of political subserviency to Manchester, for the purpose—Heaven save the mark!—of winning a few borough elections.

MR. SIDEBOTTOM: Sir, I brought this subject under the consideration of the House last Session on the Indian Budget. The House upon that occasion did me the honour to listen to the observations and arguments I brought forward, but after the able and exhaustive speeches of the hon. Member for Manchester and other hon. Members to which we have listened to-night, I feel that it is unnecessary to occupy its attention at any great length. I may, perhaps, however, be permitted to say that these duties are, on the one hand, injurious to the great body of consumers in India by materially enhancing the price of their

Mr. Briggs

chief article of clothing, and unjust on the other hand to English cotton manufacturers by establishing a premium on the manufacture of goods in India against English goods. The Government, indeed, by promising to abolish them as soon as the state of the revenue permits, have practically admitted the truth of both these propositions; but, with the exception of the unfortunate English manufacturer, who is so seriously injured by their operation, probably few persons either in this House or the country have any adequate conception of their extremely onerous nature. The nominal amount levied is 5 per cent on the value of the goods, but it is in reality more than this, because the value of the goods is estimated at a certain fixed amount, and the duty levied upon that amount; whereas owing to the great depression in trade and the absence of demand from other markets, the value of cotton goods has sunk to such a low ebb as to be in reality below the fixed amount upon which the duty is levied, so that at the present moment the actual amount of the duty is more than 5 per cent; and it must be remembered that this is not on the profit of the manufacturer, if profit he is ever to have again, but on his whole turn-over—a most important and material distinction, to which I beg the earnest attention of the House. I can only say that, as an extensive cotton manufacturer and as representing one of the oldest and best-known firms in the trade, I would gladly compound for 5 per cent profit on my turn-over, and I think most other English manufacturers would also willingly do the same. This duty, in fact, amounts to half of the wages paid to our weavers for weaving the cloth, and constitutes a bonus of about 3s. per week to every single loom working in Bombay; so that I venture to think the House will be of opinion that it is really most serious and most onerous, and that even if now repealed such an impetus has already been given to the erection of mills in India that English manufacturers will be quite sufficiently handicapped in the race of competition in other ways. First, there is the great distance our goods have to traverse to reach the markets of India at all. We have to bring the raw cotton—if Indian or Surat cotton be used—all the way from India to England; manufacture it here in England,

and then convey it back again to India, paying all the charges for packing, freight, merchants' commission, and the whole cost of transit both ways. Wages here, in England, are eight or 10 times as much as they are in India, and what is of great importance, there is practically no restriction—or, at all events, very little restriction—on the hours of labour there. Bombay mills are now working 12 hours a-day, and seven days a-week, or more than 80 hours, against an English mill, 56 hours. If this fact, indeed, stood alone, it would give an immense advantage to the Indian mill-owner, because the cost of a cotton mill is so great, and the fixed expenses so heavy, that the time worked and the production turned off is of very great importance indeed. Well, it would be an easy task to prove from statistical accounts which I hold in my hand, that with all these natural and artificial advantages, and under the fostering influence of these protective tariffs the produce of Indian mills is fast superseding that of ours in England in the Indian markets. This subject has, however, been so fully entered into by previous speakers that I will not weary the House by quoting a long array of figures, but simply remark that not the least serious feature in this Indian rivalry is its rapid progress within the last few years. The first cotton mill was built in Bombay in the year 1855; in the year 1861 there were only 11; in 1874 the number was 24, an increase of only 13 mills in 13 years; but about this time 18 new mills were projected to contain 531,000 spindles, which are now no doubt at work, and to show the House that the production of these mills is really superseding that of English mills, it appears that whilst out of a total of 389,000,000 yards of cotton cloth supplied to Bombay during the year 1861, 275,000,000 were imported from England, and 114,000,000 produced in Bombay. In the year 1876 out of a total of 698,000,000 yards supplied, only 318,000,000 were imported from England, 380,000,000 being produced in Bombay. These figures are, I think, sufficient to satisfy the House as to the serious nature of the competition to which English manufacturers are exposed by their competitors in India—and that, to say the least, these competitors are quite able to hold their own against us without being artificially

protected by our own Government. I was very much struck with the statements in a letter which appeared in a London daily paper a short time ago. The writer stated that in a cotton mill of 1,000 looms, in England, making cloth for India, £7,500 a-year was paid for duty, £14,000 for charges of various kinds on the cloth, and £5,000 charges on the importation of the cotton—supposing it came from India—or a direct advantage of £26,500 per annum to an Indian mill of the same size, without taking into account the indirect advantages caused by working longer hours, and so dividing the fixed expenses over a greater production. Well, I have taken the trouble to examine some of these statements, and find them, if anything, under rather than over-stated, and I think the House will be of opinion that we need no longer be surprised at the rapid development of the cotton trade in India, nor at the uneasiness displayed by English manufacturers. I can speak feelingly on this subject. When I had the honour of bringing this subject under the attention of the House last Session, I stated that although my family had been engaged in the cotton trade from its earliest infancy for three generations, neither my grandfather, my father, nor myself had, so far as I know, ever made goods for India, being engaged in an entirely different branch of the trade. Since then, however, the stagnation in the cotton trade has been so universal, the absence of demand so general, the inability of all the other markets of the world to take off the production of our English mills so decided, and the stocks held of manufactured goods so enormous, that, driven well-nigh to our wits' end, many manufacturers, not previously accustomed to the Indian trade, have been obliged to resort to it, myself amongst the number. The greatest portion of my looms are the wrong width and not adapted; but it so happens that I have about the same number mentioned in this letter—that is, about 1,000 the right width—and during last autumn I set these to work, making goods for India. Well, I appeal to any hon. Member in this House, is it fair? is it reasonable? is it right? that in addition to the natural advantages of £19,000 a-year which a mill in India possesses over mine, I should also pay a tax of £7,500 for every 1,000 looms, and yet this is

Mr. Sidebottom

the real literal state of the case. My chief object, however, in alluding to this matter is to show the immense importance of the Indian markets to this country; but it may be said if, notwithstanding this tax, these markets take off such a large proportion of your goods, why do you complain? You have proved too much by half. The answer is the Indian markets constitute the chief outlet for our production. We have already lost our trade in the coarser goods, which can be supplied cheaper by Native manufacturers, and we see an industry springing up beneath the fostering influence of these protective tariffs and advancing with giant strides to deprive us of what is at this moment the very sheet anchor and mainstay of our trade—and threatening, unless checked in its career by the early and entire removal of these duties, to overwhelm at no distant day both employers and employed in one common destruction. The injustice and hardship inflicted upon English operatives indeed is quite as great as upon employers; because, however large an amount of capital is leaving England for the purpose of establishing mills in India, operatives cannot follow that capital. They possess no capital but their labour, and in the prospect of the stoppage of mills in England they see nothing but ruin, distress, and misery before them. And for whose benefit are these serious risks incurred? Who are our competitors? Who are the projectors, and who are the owners of these Indian mills? Are they poor struggling Natives, who ought to be assisted and encouraged in their efforts to develop Native industry, and to employ Native capital otherwise lying dormant by the aid of protective duties, however wrong in principle, however opposed to true and sound doctrines of finance, however contrary to the principles of free trade, however injurious and oppressive to the great body of Native consumers throughout India, and however unjust to English manufacturers at home? Nothing of the kind. But there is reason to believe that, at all events, some proportion—if not a considerable proportion of the mills in India—are owned by Anglo-Indian officials and by English capitalists, who, from the operation of restrictive laws at home, shorter hours of labour, high wages, and other causes into the

consideration of which it is unnecessary now to enter, have taken their capital where they can receive a better return for it. Nor do we in the least complain of their doing so; but we do ask for fair play, and we do object to our goods being charged a heavy duty before they are allowed to enter India to compete with those of our rivals. Besides, a most injurious effect is also produced upon the trade of this country indirectly in other ways. There have lately been important negotiations in reference to a new Treaty of Commerce with our neighbours across the Channel; but how can we, with any show of consistence, advocate the doctrines of free trade? How can we ask France, or any other foreign nation, to remove duties from our goods so long as we allow an enormous duty to be levied upon them in our own Empire of India? Well, these duties being admitted to be vicious in principle, to have, as I think I have shown, such a bad effect in practice, and Her Majesty's Government having, in consequence, promised their repeal, why cannot this take place at once? *Bis dat qui cito dat.* A powerful argument for their immediate repeal is offered by the fact to which I have just alluded of English capital being transferred to India, because this process may be now going on; this capital may be being transferred at the present moment, and it cannot too soon be made clearly manifest that whilst there is no desire or intention to interfere in the slightest degree with the natural advantages Indian mills will ever possess over those at home, they certainly will not continue to be supported by enormous protective duties which every day they continue afford encouragement for the erection of new mills and for the creation of vested interests to oppose their repeal. I apprehend the most powerful argument against their immediate repeal is because it is thought that the present state of the Indian revenue will not allow it. Well, in the presence of Gentlemen on both sides of the House, who are such high authorities on Indian finance, I confess to approaching this part of the subject with considerable diffidence, but what are the facts? The Revenue of India at the present moment is about £52,000,000, whilst the Debt is £130,000,000, or nearly about 2½ times the amount of the Revenue. Well, is there here any *prima facie* evidence of approaching bankruptcy,

or of any undue strain upon the resources of the Empire? How does it compare with our own position in the United Kingdom at home? The Imperial Revenue is between £70,000,000 and £80,000,000 and the Debt about £725,000,000—that is, nearly 10 times the amount of Revenue—and yet I never heard that our credit was bad, or that we usually experienced much difficulty in raising funds when required. But this is not all, for we have in addition a very large debt connected with local taxation, amounting to about £105,000,000, with a revenue of £28,000,000, the Debt being thus about four times the amount of the Revenue. Our local bodies in England, again, borrow from £5,000,000 to £8,000,000 per annum, which they do not spend on railways, canals, gasworks, and other reproductive works, exclusively; but to a large extent on sanitary and other works of a similar character yielding no direct pecuniary return. The Revenue of India, therefore, compares very favourably with that of our own, and indeed with that of every solvent State in Europe, the debts of nine solvent European States being on the average six-and-a-half times the amount of their respective revenues; and when we consider in addition the very great expansion of which it is susceptible, when we call to mind that in the year 1840 it was only £20,000,000, whilst it is now upwards of £50,000,000, and that the whole amount raised by these duties is under £1,000,000. We cannot help thinking that such an unjust tax, raising only such a small amount of revenue, might be at once repealed. I said just now that we have lost our trade with India in the coarser goods, and yet though the duty has long since ceased to be productive it still remains, I presume for protective and prohibitory objects alone. Are we, then, still to wait patiently till our trade in the finer goods is also destroyed, so that when their importation has also ceased the Indian revenue, forsooth, may then bear the abolition of the duty. I say it is most monstrous that Lancashire should continue to pay these unfair imposts a single day longer. If it can be shown that we are bound to balance the Indian Budget, it would be preferable to pay the amount in hard cash by a direct tax upon our mills rather than in the present most objectionable form, and it would be far

more reasonable, more equitable, and more just to place a duty of 8s. per week on every loom working in India, which, as I have shown, would still possess a great advantage over English looms, and a proportionate tax on every spindle, rather than to continue the present tax, or upon English machinery, which is of course allowed to enter India duty free, and of the advantages of which Indian manufacturers of course take care to avail themselves to the utmost. I do not, however, wish to be understood as advocating such a course further than to point out that if it can be shown that the revenues of India will not really bear the loss of £800,000 per annum raised by these duties, then it would be just and equitable to place a tax on machinery in India, in order to equalize the burden and cause Indian mills to bear their proper share along with English mills, for it cannot surely be maintained that one portion of the dominions of the Crown should be permanently placed under serious disadvantage, and saddled with onerous burdens for the direct benefit of another portion. We have heard a good deal about the demand for the repeal of these duties being "a Manchester delusion," and other unmerited and uncalled for taunts, but it is really a most serious question, which powerfully affects the cotton manufacturing industry of this country. This industry has £130,000,000 of capital invested in it. It affords direct employment to about 500,000 operatives, and there are altogether fully 2,000,000 of people dependent upon it. One-third of the entire exports of this country consists of cotton goods, and one-fifth of those cotton goods goes to India. Depend upon it, the repeal of these duties is fast becoming a great, a burning question, and if not accomplished before the next General Election I shall be greatly surprised if hon. Gentlemen are not then, at all events, made fully alive to its importance. The hon. and learned Gentleman the Member for the City of Oxford said at an earlier period of the Session that "the trade of this country was the very breath of its nostrils," and the right hon. Gentleman opposite the Member for the City of London favoured us some little time ago with a most interesting and graphic description of the disastrous condition at the present moment of wellnigh every trade and well-

nigh every industry in this country, and there can, indeed, be no doubt that we are passing through a most grave and serious crisis, the effects of which will be felt by thousands for many long years to come. The dark thunder clouds also which have been so long clustering on the Eastern horizon have at last burst, the tempest is now raging there in all its fury, and such a storm cannot but be accompanied by great and widespread depression and disasters. But I have faith in the future of our country and in the revival of her trade. Only let us abolish these miserable remnants of protection, these exploded fallacies of a bygone age, and depend upon it there will be brighter days in store for us, and we shall again see that commerce prosper and that trade flourish, which have contributed in no small degree to the grandeur, the greatness, and the prosperity of England.

GENERAL SIR GEORGE BALFOUR stated that he had an Amendment on the Paper in succession to the Motion of the hon. Member for Manchester, who proposed to reduce the duties levied in India on English cotton manufactures. But as that Amendment was not to be pressed, he proposed to be brief, out of consideration for the many hon. Gentlemen who desired to express their views on this important Motion. He had given way to the wishes of his hon. Friends the Members for Kirkcaldy (Sir George Campbell) and Hackney (Mr. Fawcett) to allow their Amendments to be pressed, if deemed advisable. He hoped that before the Government meddled with these cotton import duties, they would consider what the consequences would be if the duties on imports of that class of goods were abolished. The whole value of imports from foreign countries into India subject to duty, exclusive of salt, amounted to a fraction under £33,000,000 in the year ending 31st March, 1876. That was the highest value of imports paying duty in any year of the last 10 years; it was £2,250,000 higher than in the previous year. Now the value of the cotton manufactures imported into India during 1876 was nearly £250,000 below the value in 1875, but higher than in any one year of the nine preceding years. Even that value might have been diminished by lower rates of values in the new tariff, on which the *ad valorem* duties were now struck. Even if

profits were *nil* on the trade to India in cotton goods, yet it could not be said that the trade of India in Manchester manufactures had fallen off during the last year. If these cotton manufactures were placed on the Free List, the value of imports subject to duty would be less than £13,750,000. If the Government relieved the manufacturers from the import duty on cotton goods, they would cut down the Indian revenue by nearly £900,000. That would bring down the Indian import duties to less than £900,000. The total duties now collected from all duty-paying articles amounted in the year ending 31st March, 1876, to £1,776,896, being less than the collections on all imports (exclusive of salt) in the previous year, and in two other years of the previous 10 years. Now, out of last year's collections, the cotton manufactures paid duties to the amount of £872,146, thus leaving £904,750 for all other articles, excluding duties on salt. It might then be asked, was it wise, or would it be possible, to maintain the import duties at all, when they were brought down to so low a figure? He had already strongly urged the giving up of all import and export duties, not only on the articles of ordinary trade and manufacture, but also on salt, and not alone on salt imported into India from foreign countries, but further the Excise or monopoly taxes raised from the salt, the growth or yield of India. He fully believed that this thorough free trade policy was not only commercially right, but also wise and prudent in a political and military point of view. He could therefore add that even if the salt duties were not now meddled with, he wished all duties on other articles of trade were removed for the good both of England and India. But if the Government relieved the cotton goods of Manchester from import duties, how could they in fairness refuse to relieve the metal and other trades? The metal interests had no representatives to bring their grievances before that House, but all the traders of England ought to be placed on the same footing, and if the Government gave freedom to one particular branch of trade, they were bound to treat the rest similarly. His hon. Friend the Member for Kirkcaldy had also urged this claim for equal treatment to all industries. The metal trade

of imports into India in the last year showed a higher value than in the five preceding years, but not so high as in the three first years of the decade. Then the English manufacturers of flax, of woollens, and leather also deserved the same fair treatment as that asked for cotton fabrics. But if all these articles were placed on the Free List of the Indian tariff, then the imports into India subject to duty would be reduced to a value a little above £8,000,000. The duties on this value, measured by collections in 1876, would then amount to about £632,371. But the duties on imported ales, wines, and spirits, amounting to £311,408 out of that sum, were levied on a value of imports of nearly £1,400,000. These duties being levied in connection with the Excise on spirits, could be retained and collected as an Excise, thus practically reducing the imposts on all other articles to less than a third of a million. But from this sum must be deducted the charges of collection. These could not be less than £250,000. This amount must, however, include many more charges than the finance accounts at present showed, and thereby increase the charges of collection to an amount equal to the sum collected. If, then, any tariff changes were made to favour the one industry—that of cotton manufactures—the Government could not stop there, other industries equally deserving must be equally attended to. The question of competing industries in India with like industries at home was quite as applicable to those already named as to the cotton manufactures of Lancashire. But there were the claims of other nations and of other countries to be considered. The produce of the Islands in the Indian Ocean, mainly dependent on India, that of the coasts of the Persian Gulf, of Zanzibar, of Arabia, of Africa, ought to be cared for. The freedom of commerce between India and those places was politically of far more value than the amount of duties now collected on their commerce. On this plea there was an urgent inducement to allow free trade with those coasts and ports, and necessarily diminishing the duties collected in India on imports. Then with regard to Europe, it would be found that England was more favoured in regard to freedom of trade with India than any other nation. French goods

were much more heavily taxed all round; and if England wanted to negotiate a Commercial Treaty with France on favourable terms, all she had to do was to take off the duties on French produce imported into India. France was a valuable ally of India, for the imports from France into India were small, but almost all subject to duty; whereas the exports from India to France were nearly 10 times the value of the goods taken by India, and, unfortunately, from their nature, heavily taxed by our Indian export tariff. An examination of the commercial legislation of England towards India in former years would put an end to the further plea of a community of interests between England and India, because it would bring to light the unjust treatment of the trade of India by England. He could carry his remarks back to the beginning of this century, especially to the year 1814, when the trade to India was first thrown open to the general public, but he would confine himself to the year 1840, when a Select Committee on Indian commerce inquired into a Petition of the East India Company against the burdens, in the form of heavy Customs duties, imposed in England on Indian products. On that Committee sat the father of his hon. and gallant Friend the Chairman of the Metropolitan Board of Works. Well, the inquiries of that Committee exposed the manner in which Indian products had been virtually prohibited, or their export hindered by heavy differential duties. The cotton manufactures of India, so famed for fine quality, were thus destroyed, and the wealth and industries of the people of India depressed, in order to foster and encourage English industries. At one time heavy duties were levied in this country on the import of the staple products of India, whereas Colonial products of the same kind were admitted into England at considerably lower rates; and no one could study our former commercial relations with India without forming the sad conclusion that our commercial legislation affecting India was one of the greatest blots in the history of our relations with that country. History showed that protection to English industries was an avowed object, and next the Colonial interests, for the products of the Colonies had been admitted into this country at nominal duties compared

with those levied on the products of India. Then in recent years the favouring of English salt had been and was still prevalent, for the trade in the superabundant salt of India was and is paralyzed, with the object of fostering the salt trade of Cheshire. This salt trade was a good illustration of the protectionist policy of England. The bountiful Creator had bestowed on India ample stores of salt. The coasts of Bombay, of Madras, the Central Indian Lake of salt, the Punjab mines of salt, were given to be used by the people of India as a condiment for their vegetable diet. But man, by artificial measures, had prevented the abundant use of that necessary article which Nature had bestowed. The natural product of Cheshire required an outlet, and politicians devised a double kind of taxation on Indian salt, in order to create an import of salt into India; so that the salt of the Madras coast, which was in prior years sent to Bengal at one-tenth of the cost of Cheshire salt, was now stopped by the protecting duties levied in Bengal and the monopoly charges at Madras. No one could study the Papers relating to the salt trade of India without forming the conclusion that without these unfair duties Cheshire salt could not be sold in India. The yearly increasing deficits of India and its increasing expenditure demanded their earnest attention. If the duties on English cotton manufactures were reduced or abolished, then, in justice to India, corresponding relief ought to be afforded in respect to the duties which they imposed on the Indian products of tea and coffee. There were vast tracts of land in India admirably adapted for raising tea and coffee, from which, if the resources were developed, additional revenue might be derived by India; and he trusted that these products would be largely developed under proper encouragement, and other measures resorted to before the suggestions made in the Resolution and during the debate were adopted, of depriving India of a revenue from the duties levied on English manufactures. The Amendment which he had put on the Paper made two proposals for the protection of Indian revenues—one that in return for freeing Lancashire cotton goods from duties when imported into India, this country should admit the coffee and tea of India free of duty—the

General Sir George Balfour

amount now collected from these two products being nearly the same as the amount of the duties levied in India on the Lancashire goods. The second proposal was, that England should buy up all the Customs of India by paying to the Indian Government the sum of £2,000,000 annually, and thus free the coasts of India from all charges on goods and ships. By this thorough free trade the influence and prestige of the superior power of England would be extended, and the commercial relations so widely established with Asiatic Governments as to serve as a complete counteraction to the monopolizing and exclusive spirit which so markedly characterized the Russian races.

MR. FAWCETT said, if this were simply an abstract question between free trade and protection, no one would more cordially support the Motion than he should; but, under the present circumstances, he regarded the proposal of the hon. Member for Manchester (Mr. Birley) as inopportune and hopelessly impracticable. It was not an abstract question of political economy, but involved questions of finance and policy of the utmost importance. The noble Lord the Under Secretary for India had informed them the other day that such were the financial necessities of that country that the Government must take authority to borrow in one year a sum of no less than £8,500,000, and so entirely had they exhausted all their sources of taxation that not a single penny could be added to the Imperial revenues of India by additional taxes. This meant that in a single year there would be an amount of interest to be borne by India for this loan equal to one-half of what the cotton duties would yield; and yet that was the moment when the hon. Member for Manchester and his Friends came down to that House, and, without offering a suggestion worthy of a moment's consideration as to how the money was to be obtained, asked them to sacrifice £1,000,000 of the revenue of India. That fact was alone sufficient to condemn the proposition. If the Amendment of the Under Secretary of State for India was carried the sting would be taken out of the Motion of the hon. Member for Manchester, and he would recommend the hon. Member for Kirkcaldy (Sir George Campbell) not to press

his Amendment to a division. The words of the noble Lord's Amendment, "so soon as the financial condition of India will permit," would deprive the original Motion of its chance of doing mischief and at the same time exhibit to the world its utter impracticability. If the Motion in its original form was passed it would appear to say—We care not at what cost, we care not for the consequences, we care not how great the financial embarrassment may be, Lancashire demands it, and because Lancashire demands it £1,000,000 of Indian revenue must be sacrificed. He was anxious that nothing should be done which would tie the hands of any future Secretary of State on this question. He could not presume to say what interpretation the Government would place on the words "so soon as the financial condition of India will permit;" but it seemed to him that the words were very elastic, and capable of a wide interpretation. Frequent reference had been made in that debate to the principles of political economy; but if the House were to take the abstract principles of that science and apply them cut and dry, without considering the social and political circumstances of the case, they would act more like pedants than like politicians, and might produce an amount of discontent in India which would seriously imperil the integrity of the Empire. Statesmen must consider not merely whether a particular tax was theoretically bad, but whether it created discontent or otherwise among the people; and, looking at the question in that light, he asserted that there was not a single tax levied in India which was so satisfactory to the people of that country as the revenue raised by those import duties. The supporters of the Motion of the hon. Member for Manchester had not quoted one tittle of Native opinion in favour of the abolition of those duties. Again, in selecting a tax for repeal they ought to consider the advantages and disadvantages of remitting it as compared with other taxes; and, applying that rule to the present case, he said that even if, instead of having to raise £8,500,000 upon loans they had a surplus of £1,000,000 in the Indian Exchequer, those import duties were not the part of their fiscal system which had the first claim to consideration with a view to their remission.

With respect to the salt duty, he would ask what could be worse than a system of taxation which deprived millions of people throughout the greater part of India of one of the prime necessities of life? But the mischief did not stop there, for it exercised a baleful influence on agriculture. That being the case, whenever the day came when India should possess a surplus revenue it would be necessary to consider, not simply the trade of Lancashire, but to consider also to what purposes the remission of revenue could be devoted so as to benefit the whole population of India. Between 1850 and 1855 the value of cotton goods exported from this country was £5,600,000. In the next 10 years the amount was £10,200,000, and the next 10 years it had grown to £18,600,000, and in 1874-5 the largest amount on record was sent out. He thought the Lancashire Members and the Lancashire people should consider something else with regard to the future of the cotton trade than the repeal of the import duty on cotton goods. The Secretary of the Department of Agriculture and Commerce stated that the trade was suffering on account of the deterioration in the quality of the articles sent out, and that great complaints existed both in India and China with respect to the amount of size used in the manufacture of Manchester goods. And with respect to the duty, it should be borne in mind that it was not paid by the manufacturers any more than the duty on malt was paid by the maltster, or that on beer by the brewer. The consumer paid in the long run. Reference had been made to the speech delivered by the Marquess of Salisbury at Manchester a short time ago. In that speech the noble Marquess did not absolutely promise that the import duties should be repealed, but stated that their repeal depended upon the financial exigencies of India. What practically then could be done? The passing of any number of abstract Resolutions would not justify the Government in sacrificing £1,000,000 of Indian revenue. They were nothing but an expression of opinion. But the Chancellor of the Exchequer told the House that "what Lancashire thought to-day England would think to-morrow;" and if Lancashire would declare that in its opinion it was the duty of the House of Commons to change its attitude with re-

gard to Indian finance, England would see that that attitude was changed. We had hitherto always treated India as if it were a rich country, whereas it was really the poorest country in the world. Let Lancashire say that less money must be spent by the Government in India; and if that were done here these duties might easily be repealed and other fiscal reforms carried out.

MR. GRANT DUFF said, he sympathized very much with the views of those who thought that the finance of India would not be in a sound condition until they had got rid of all Customs duties whatever, import as well as export. That, however, could not be done all at once. The utmost they could ask was that advantage should be taken of every opportunity to draw nearer and nearer to the only system suited to the circumstances of India—a system of perfect free trade. One of these opportunities he saw in the strong feeling against the import duties on cotton goods which now prevailed in Lancashire. He did not care to discuss at any length whether there were still any duties in India more undesirable even than these cotton duties; but he thought that the abolition of the salt line and the internal sugar duties were even more pressing. He understood, however, that the Government of India had been long engaged in the negotiations with Native States which must complete the admirable work begun by Lord Northbrook in doing away with a part of the salt line, and he considered that it would be quite unfair to press them to do more in that matter than they were doing. But these cotton duties had this peculiar evil attached to them—that the mischief connected with them went on spreading and complicating. Every year more capital was sunk in Indian mills, and more false hopes were raised that a solid industry was going to be built on a protective basis. India should take warning from the example of America, where manufacturing industry began by trusting only to the incidental protection of revenue duties, but went on to demand the ruinous system of Protection, which was now so great a calamity even to that land of unequalled resources. What then, ought to be done? He admitted that the cotton duties could hardly be abolished at once. That would be far too violent a measure; but why, even at

the risk of a small deficit, might they not be reduced next year to $3\frac{1}{2}$ per cent, and then gradually abolished altogether—so much being taken off each year, irrespective of financial prospects? If this were done, by wise economy, and by the stimulus which healthy financial measures ever gave to trade, sometimes in ways that could not be foreseen and could not even easily be traced, no great amount of loss would be experienced at the end of the period over which the abolition might be extended. If in 1881 it was clear that the loss of this revenue from the cotton duties was the cause of a deficit, Indian financiers would have to take into their serious consideration whether it was either just or expedient to attempt to build up a permanent system of taxation without again having recourse to the income tax or something like it, either for Imperial or provincial purposes. The House had been told that night, as it had often been told before, that the income tax was unpopular. So it was to some extent. Uneducated people would always prefer being cheated out of their money through something that did not look like taxation to paying it away; but that was a mischief which tended to decrease as they got more intelligent and became accustomed to the payment. It was most proper to govern, as far as possible, in accordance with the ideas of the governed, but the line must be drawn somewhere. It would surely not be wise to govern in accordance with the idea that two and two made five, however much that idea might commend itself to the governed. It was very questionable how far, in governing India, we ought to ignore our own dearly-bought experience in financial and fiscal matters. To do so was really to govern on the principle that two and two made five.

LORD GEORGE HAMILTON, in reply, said, that he rose to state the views of the Secretary of State for India on this question. Of all the questions which might come under the notice of the House there were none which should receive more impartial and unbiassed consideration than those which affect the interests of our Colonies and Dependencies. Nothing could be more impolitic or likely to injure the integrity of our Empire than to let the impression get abroad that because the local interests of a particular part of England

were strongly represented in Parliament, the interests so represented should be held to be superior to those of our great Dependency, which did not happen to be represented in Parliament at all. He would address the House on the subject before them from an Indian point of view alone. The real questions they had to consider were—was it for the benefit of India that these duties should be repealed, and, if the answer was in the negative, then to consider how it would be possible to get rid of them without imposing additional and, it might be, more burdensome taxation? They had existed from the earliest time of our rule, and they had been re-adjusted by Mr. Wilson when he commenced his reforms to establish an equilibrium between expenditure and revenue. Lord Salisbury had never thought that the growth of cotton mills in Bombay was primarily due to duties, or that their repeal would injuriously affect this industry. India annually consumed more cotton, and the Indian manufacturers in Bombay continually supplied more, and as undoubtedly these duties enhanced the price of cotton goods in India, year by year India was paying more for the cotton goods she consumed, and these duties were in proportion bringing in less revenue. Lord Salisbury felt that these duties ought to be done away with as soon as possible, and sent out two despatches to India in 1875, in the first of which he expressed his regret that the revenue of India was not in a such a position as to enable the Government to carry out such fiscal reforms as were urgently needed, and in the second he gave his reasons for advocating a repeal of the import cotton duties. Since then there had been a great fall in the price of silver and last year a dreadful famine broke out in Bombay and Madras, and it was therefore impossible at present to touch the import duties. The Secretary of State still, however, adhered to the opinions which he had expressed, which were, that those duties were duties which called for reduction, and that as soon as the state of the revenue permitted the Indian Government must take measures to reduce them. There was a proposal to lay an Excise duty on the work of Indian looms, but that would lead to so vast amount of inconvenience, and would require a direct supervision of every handloom throughout India.

It was, therefore, not for the advantage of either the Indian producer or the Indian consumer that these taxes should be continued. But it was asked by the hon. Member for Kirkcaldy (Sir George Campbell) how if the import duties on cotton were repealed the loss of revenue thus incurred could be made good? Well, he could only reply that the whole of the railroads in one sense belonged to the Government of India, and that if we were to reduce the Customs' duties on one article which was largely consumed, not only would the Customs' revenue be benefited by the increased consumption, but we should have the advantage resulting from the additional traffic on the railways. He was therefore sanguine enough to believe that if next year there was a surplus of revenue over expenditure, so as to enable the Indian Government to deal with the cotton duties and also with the salt duties, although there might be a temporary loss of revenue, there would be such an increase in the receipts from railway traffic as to compensate for that loss. The latter article was a necessary of life, and the tax operated hardly upon the poorer people of India; and as to the former article, there could be no doubt that the import duty interfered a good deal with the cotton trade of Lancashire. The Amendment which he had placed on the Paper—namely, to add to the Motion the words "so soon as the financial condition of India will permit"—expressed, he might add, the views on the subject which the Secretary of State had over and over again enunciated when he said that he would not impose additional taxation or incur the risk of a deficit, but that as soon as the revenues of India permitted he would deem it right to direct that the cotton duties should be reduced.

Mr. LAING wished that they were in a condition, so far as India was concerned, to reduce the entire of the duties the subject of debate. A difficulty, however, arose from the depreciation of silver and other causes; and if they swept away the duties now sought to be abolished, they would lose all that could be secured by that most unpopular impost, the income tax. He contended that there ought to be no new taxation in India.

Amendment proposed,

To add, at the end of the Question, the words "so soon as the financial condition of India will permit."—(Lord George Hamilton.)

Lord George Hamilton

SIR GEORGE CAMPBELL said, he would withdraw his Amendment in favour of the Amendment of the noble Lord the Under Secretary of State for India.

Amendment, by leave, *withdrawn*.

Question, "That those words be there added," put, and *agreed to*.

MR. BIRLEY preferred his Motion without the addition of the Amendment, but would accept it so that the House might appear to the people of India to be unanimous on the subject.

Main Question, as amended, put.

Resolved, That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay, so soon as the financial condition of India will permit.

WAYS AND MEANS.

CONSOLIDATED FUND (£20,000,000) BILL.

Resolution [July 9] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. RAIRDS, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time.

CHURCH OF ENGLAND ENDOWMENTS

RESOLUTION.

MR. WHALLEY rose to move the following Resolution:—

"Having regard to the vast and increasing amount of Imperial and local taxation, the continued depression and decline of trade, commerce, and manufactures, and the necessity for affording the utmost practicable freedom to industrial operations; also, having regard to the fact that endowment of particular creeds and forms of worship is opposed alike to the interests of religion and morality, and to the principles of civil and religious liberty, it is expedient that the public money now applied to the support of the particular creed or form of worship known as that of the Church of England should be appropriated towards the liquidation of the National Debt or other relief of such public burdens, subject to full compensation for all existing interests affected thereby" when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, 11th July, 1877.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [July 10] reported.

PUBLIC BILLS — Ordered — First Reading — Registration of Leases (Scotland) Act (1857) Amendment* [246].

First Reading—Municipal Corporations (New Charters)* [244].

Second Reading—Church Rates Abolition (Scotland) [30], put off.

Committee — Report — Criminal Law Practice Amendment* [78-245].

Third Reading—Oyster and Mussel Fisheries Order Confirmation* [222], and passed.

Withdrawn—Habitual Drunkards* [105]; Marriage Preliminaries (Scotland)* [161].

QUESTIONS.

ROADS AND BRIDGES (SCOTLAND) BILL.—QUESTIONS.

SIR ROBERT ANSTRUTHER asked, Whether the Government will fix Friday the 13th for the Committee on the Roads and Bridges (Scotland) Bill; and if not, whether, considering the interest that is felt in Scotland upon this Bill, they will fix an early day for the Committee on the Bill?

SIR WINDHAM ANSTRUTHER also asked, Whether, as opinion in Scotland is much divided on the Roads and Bridges (Scotland) Bill, and as the provisions of the Bill are likely to give rise to lengthy discussion in Committee, and also having regard to the late period of the Session, the Government would postpone the Bill to the next Session?

MR. W. H. SMITH: I beg to say that the Chancellor of the Exchequer, who is detained by important business elsewhere, has requested me to state that it is not possible for the Government to fix Friday the 13th for the consideration of the Roads and Bridges Bill, as it is necessary to make progress with Supply, which, as the House is aware, is very backward; but as soon as progress is made with Supply it is the intention of the Government to fix an early day for the Bill, and to pass it into law, if possible, this Session.

SIR WINDHAM ANSTRUTHER: In consequence of the reply just given, I beg to give Notice that on the Motion for going into Committee on the Roads and Bridges (Scotland) (re-committed) Bill, I shall move that the House on this day three months do resolve itself into Committee.

ORDERS OF THE DAY.

—:O:—

CHURCH RATES ABOLITION (SCOTLAND) BILL—[BILL 30.]

(Mr. M'Laren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Grievs, Mr. Laing, Sir George Balfour.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. M'Laren.)

MR. MARK STEWART, in moving that the Bill be read a second time upon this day three months, said, that the principle of the measure was one which had often been discussed in the House, and on which there was no new light to be thrown; still, he regretted that the hon. Member for Edinburgh (Mr. M'Laren) had not thought fit to address the House in explanation in moving the second reading. He (Mr. Stewart) was himself heartily hostile to the principle of the Bill; still he felt that the question was one which ought to have been settled before this time—he thought the Government should have brought forward some proposal which would have been satisfactory to the people of Scotland. There was a great amount of exaggeration on this question, and on previous occasions hon. Members who had come down to vote on the Bill had not had their attention specially directed to some essential points, and failing to understand had voted somewhat blindly. The very title of the measure was misleading—because he would undertake to say that the people in Scotland did not know what church rates were. There was the greatest difference between church rates as they were formerly levied in England and what were termed church rates in Scotland. In England they were levied on the inhabitants of the parish in respect of property, for the repair of the fabric of the church and the maintenance of the churchyard. In Scotland, for very many years, there had been an "assessment"—that was the proper word to use—on the owners of land which was applied to the building and maintenance of the church, and the repair of the manse and church property. The burden was one which had been borne in Scotland from time immemorial, and one which the proprie-

tors were not unwilling to continue. It was, as it were, a permanent debt on the land, and as the proprietors had purchased their lands subject to this assessment, it could not be considered a matter of hardship. The church rates used to be levied in England every year; but that was not the case in Scotland, for there the assessments were only made once in 60 or 80 years. There were, no doubt, some cases of hardship, for the ministers of rival denominations were called on to pay for the repair of churches and manse belonging to the Established Church; and a feuar who had bought a small piece of land and had built on it might on an emergency, where a church or manse had to be built, be called on to pay on many times the value of his holding. But these were hardships which could be met without abolishing the Church assessment throughout Scotland. All the petty repairs done in the interior of the church and to a churchyard were executed at the expense of the heritors and out of the collections made at the church doors; whereas in England this, and a great deal more, were paid out of the church rates. In 1563, at one of the sittings of the Scotch Parliament, confirmed again at Stirling in the same year, it was decided that a clergyman of a church should pay one-third towards upholding the church and the churchyard, and that the heritors or parishioners should pay the other two-thirds. In 1685 it was held that the heritors and persons who paid assessment towards the Church should be proportionately liable. In 1781, in the Crieff case, it was held that the heritors should pay on the valued rent—which rent he might explain was fixed by an Act of Parliament dating so far back as the time of Cromwell. In 1802 there was the Peterhead case, in which the Crieff case was upheld; but on an appeal it was held that both the heritors and feuars should pay on the real rent, and that every feuar should be considered in the eye of the law as a heritor. Up to 1854 the heritors had paid on the old valued rents for maintaining the churches, manses, and glebes in Scotland. In 1854, however, the Lands Valuation Act for Scotland was passed, and as that valuation was based on the present rentals of property, no doubt a vast number of persons, considering the increase in rents which had taken place, were called on to pay who had never

been called on to pay before, and it might be a hardship to call on them to contribute unduly towards the payments required. He would readily consent to any reasonable proposal for their relief; but he considered it most unjust that the Established Church of Scotland should be deprived altogether of the rates upon which it depended for the religious accommodation of the people. He was happy to say that in the district in Scotland in which he lived there were no cases of dispute, nor could he now remember one having occurred. No doubt in some places there were cases where ministers demanded more than the heritors thought they were entitled to; but with regard to the assessment on the feuars he did not remember any difficulty occurring. He thought these grievances might be removed without going to the extreme of sweeping away the whole of the rates; but it was a question with which the Government should deal. It was useless to press this measure, for it was plainly impossible that the Bill opposed as it was could be passed into law this Session. Although the hon. Member for Edinburgh had stated over and over again that he was not hostile to the Church of Scotland, and that he was its truest friend, yet a glance at the names of the hon. Members on the back of the Bill would be enough to assure the House that, though they might be earnest in their endeavours to promote the interests of Scotland, they were not friendly to the Church. The Government, he believed, were aware of the desirability of settling this question, and he hoped to hear from the Treasury Bench that they would bring in a measure next Session. Last Session the Lord Advocate (Lord Gordon) brought in a Bill (Ecclesiastical Assessments (Scotland) Bill) which would have settled the matter if it had not been withdrawn. And in passing the Valuation Act of 1854 it was the intention of the Government to put the feuars in very much the same position as they were placed in now. That was that the feuars who paid nothing then, in all probability would pay little or nothing now. There was another view which had been put forward—namely, the proposal of commutation. He knew that some hon. Gentlemen conceived that that was a fair and equitable mode of settling this question. On the other hand, however, it was argued that if

Mr. Mark Stewart

they admitted the principle of commutation, they would sever that interest which had hitherto existed between the heritors or landed proprietors and the Church of Scotland. If this Bill was a child of the Liberation Society, he thought the sooner they knew what that Society was going to do for the Church of Scotland the better. He maintained that the Church of Scotland worked well, and was doing a great and good work; and they had no such difficulties to contend with in Scotland as the Dissenters had to contend with in England—such, for instance, as the burials question. He asked the Government to give some pledge that they would take up this question, and do their best to settle it.

SIR GRAHAM MONTGOMERY: Mr. Speaker, I do not propose to take up the time of the House at any length in seconding this Amendment, so ably moved by my hon. Friend the Member for Wigtown. I have on previous occasions expressed my opinions on this Bill, and I quite agree with what has been said by the hon. Member who preceded me. I think that the hon. Member for Edinburgh (Mr. M'Laren) should certainly have favoured the House with his views on the Bill before waiting for the opportunity of replying to the debate; and I cannot help thinking that he is not so earnest about this matter as he used to be, for if we look at the Bill itself he does not seem to have taken much trouble with reference to it. According to one of the provisions, patrons are to be the parties to appoint trustees. Now, we know that patronage has been abolished. If my hon. Friend has one remarkable characteristic, it is that of being accurate, and that he should produce his Bill without taking the trouble to make that alteration seems to me to show that he is less in earnest than he used to be.

MR. M'LAREN, interposing, remarked that patrons would still have the power, being now the communities.

SIR GRAHAM MONTGOMERY: There is no doubt my hon. Friend will be able to give a satisfactory explanation of this when he comes to make his reply; but I think I am justified in pointing to that clause and drawing the inference that he has not taken trouble with regard to other matters. The hon. Member for Wigtownshire has pointed out the difference between church rates in Scotland and in England, remarking that

there was no such thing as church rates in Scotland properly so called. In England the rates were imposed by a vote of a majority of the inhabitants; but in Scotland the church assessments are laid on the land, and no one can escape from them. In England it was only the fabric or body of the church that was maintained by a church rate, and the clergyman had the onus resting upon him of maintaining the chancel of the church, and had to pay for the repair of the parsonage and glebe house, which we all know was a grievous burden. A Committee sat on this question last Session, and made a valuable Report on the subject, to which I purpose to allude. No one will deny that there are grievances and difficulties with regard to church assessments in Scotland. One thing is the uncertainty of this rate, and that is especially the case with regard to new churches. When a new church is built it is a grievous burden to have to pay down a large sum of money, and I agree that in the case of a new church the assessment should be spread over a period of 20 years. That is one of the things which ought to be done. The heritors are not protected as they might be from injury. I have often seen, when a vacancy has occurred in Scotland, and consequently a manse has been shut up, that all the windows have been broken, and when a new clergyman was appointed the heritors had to make the injury good. Now, although the Established Church has certain rights, I do not think it right to abolish assessments without giving the Church some compensation. It has been suggested that we should have commutation. I observe that the Committee which sat upon the Dilapidations Acts of 1871 recommended that all the parsonages and glebe houses in England should be put under the Charity Board of Queen Anne's Bounty. It occurs to me that something of the same kind might be done with regard to Scotland. We might have an Ecclesiastical Board, which would take charge of the repairs of churches and manses in Scotland. I think, therefore, we ought to wait and see whether there is to be any legislation with reference to parsonages in England before we commit ourselves to the abolition of church rates in Scotland. Before I conclude, I wish to join in an appeal to Her Majesty's Government to take this question into consideration. I think it is one well

worthy of their serious attention. I am not one of those who are much in favour of the Bills proposed on the churches and manse assessment during the last two years. I am in favour of altering the incidence of taxation in reference to those matters. The Lord Advocate, I hope, will turn his attention to the subject, and there is no man in Scotland better able to do it justice. I trust the Government will find some means, without robbing the Church of its rights, to settle this question in a satisfactory manner.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Mark Stewart.*)

MR. BAXTER said, the case against the Bill had been most lucidly and candidly explained by the Mover and Seconder of the Amendment, and he must confess that in a great many of the statements which they had made he altogether concurred. It could not be denied that the church rates which had been abolished in England were not in all respects analogous to the payments which his hon. Friend the Member for Edinburgh (*Mr. M'Laren*) in the present Bill proposed to render in Scotland voluntary instead of compulsory. He would, however, point out to the House that if the title given to his Bill by the hon. Member for Edinburgh was correctly described as "misleading," so also might the title of the Bill introduced by the Government last year; because those sums due for building and maintaining the parish churches and manse in Scotland were no more "assessments" than they were "rates," and therefore those who opposed this Bill on the misnomer ground, and at the same time supported the Bill which was introduced last year, in his humble opinion had not a leg to stand on. He entirely concurred in the statement of the Mover of the Amendment (*Mr. M. Stewart*) that these payments were burdens on the land. Now, what he wanted to put before the House was, that it by no means followed that it was proper and right and wise to continue these burdens when the circumstances had entirely changed, and when the Church of Scotland no longer claimed a majority of the population. The hon. Member for Edinburgh favoured the House last year with statistics on this

head. His hon. Friend was well known for the accuracy of his statistics, and he had himself gone carefully through them, and found that, if anything, the hon. Gentleman had understated the case. He pointed out that the Established Church had between 1,300 and 1,400 congregations; but of these, only about 1,000 were endowed from public sources—the rest—between 300 and 400—were purely voluntary; they paid their own ministers, and built and repaired their own edifices. With these this Bill had nothing to do. On the other hand, the hon. Member showed that the different denominations in Scotland other than the Established Church numbered 2,600 congregations, and the hon. Member said that the Church of Scotland was no longer the Church of the majority, and he advanced that as a reason why these payments should no longer be made. This had been fully sustained by subsequent inquiries. Last year, as was well known, *The Glasgow Daily Mail* appointed persons to count the number of persons who attended the various churches in that city, and the result they gave was that 71,850 attended the Established Church, and 149,993 attended other places of worship. A similar census was taken in Aberdeen, and it was found that 9,308 attended the Established Church, and 18,845 attended other places of worship. There were a great many parishes where the congregation was less than a dozen; there were a few where no service was held, because there was no congregation at all; and so absurd was the state of things that a Bill was brought in that no clergyman should be appointed to any parish where there would be less than 50 communicants. It certainly never was the intention of their ancestors that the religious accommodation of the people should be provided in the present manner—nevertheless, in relieving the land of these rates, he would not leave them in the hands of the landed proprietors, but would make them national property, and devote them to some useful object in connection with the education and improvement of the people. If that were not done, then in those parishes and counties where the members of the Free Church were in the majority it would be but only justice that they should be transferred to them. Another reason why a settlement of this question was desirable was, that the landed proprietors of Scotland were be-

Sir Graham Montgomery

ginning to find that the burdens were really much more onerous than they used to be, owing to the great fact that the people of Scotland were no longer content with the barnlike churches they formerly had, but wanted something of a more ornate description. Consequently, the charges were such as never were contemplated by those who laid these burdens on the land. It used to be said that there was no grievance at all in these church rates. Now, the Mover and Seconder of the Amendment had not only admitted the grievance, but had very forcibly stated what that grievance was. The Act of 1854 raised complaints from all the small feuars in Scotland; Petitions were sent to that House, and finally the Government admitted the grievance by bringing in the Ecclesiastical Assessments Bill of last year. It was true they did not press that Bill, but it answered the purpose for which it was intended by putting a spoke in the wheel of the Bill of the hon. Member for Edinburgh. He did not believe that the temporary expedients that had been proposed had in them the elements of success. The hon. Member for Edinburgh might not carry his Bill this year—indeed, he (Mr. Baxter) doubted if he would ever carry his Bill—because the question must be settled on a different basis; but the course taken by the opponents of the measure, in refusing to redress the real and prime grievance in Scotland, had greatly strengthened the hands of those who did not desire to see the Church of Scotland more popular than it was, and who thought that the time was approaching when the State ecclesiastical endowments in Scotland must be fully and fairly considered by Parliament. Anything more unsatisfactory, unreasonable, and almost absurd than the arrangements of the ecclesiastical government of Scotland could not be conceived, and whatever happened to this Bill, the effect would be that before many years elapsed the whole subject must be considered by the British Parliament.

MR. VANS AGNEW said, it seemed extraordinary that a Bill should be brought in for the abolition of church rates, when it was admitted on all hands that church rates did not exist in Scotland. The hon. Member for Edinburgh found it necessary to define in the Interpretation Clause what was meant by the title of his Bill. The right hon. Gentleman opposite (Mr. Baxter) had

said that if the Bill were to pass and the burden of maintaining the ecclesiastical buildings was to be removed from the land of Scotland, the result would not be that the proprietors of the land would be benefited to that extent, but that the increase of value gained by the remission of the burden should be considered national property. That was the argument of the Liberation Society—that the property of the National Church was not the property of the Church, but the property of the State. He did not think that argument would find favour in that House. The right hon. Gentleman had told them that the members of the Established Church were not the majority of the people of Scotland. He joined issue with him on that statement. At least, it might be said was that there was no other denomination that was so numerous as the Church of Scotland. Putting together all that belonged to other denominations, they did not equal the number of members of the Established Church. There was a large residuum that did not belong to any Church, and it was always held that where an Established Church existed it was bound, in return for its endowment by the State, to endeavour to reclaim and bring into its fold all persons in that position. Therefore, if they did not profess to belong to any Church, they must be considered as belonging to the Established Church; and if that were so, it gave that Church a decided majority over all the other religious Bodies of Scotland put together. The right hon. Gentleman had stated that there were 1,300 Congregations in the Established Church, but that only 900 of these were endowed by the State, and he claimed the remaining 400 as supporters of the Voluntary principle. But these 400 Congregations, by defraying the whole of their own expenses in connection with, and as members of, the Established Church, proved their attachment to it, and that they held the very opposite principle to that which the right hon. Member asserted. When the right hon. Member said there were 900 Congregations of the Established Church, and 2,600 other Congregations, which must include 400 belonging to the Established Church, he did not state the number in each Congregation—the proper test was the number of communicants and adherents, and in this respect the Established Church need not be afraid

of comparison with the other Churches of Scotland. Admitting that the great bulk of the population in certain counties left the Established, and joined the Free, Church, they did not go out on the Voluntary principle, but they joined at the time of the Disruption on a question of Church government, still holding that it was the duty of the State to maintain an Established Church. That was still the feeling among members of the Free Church in the Highland counties of Scotland. This had been proved since the passing of the Patronage Act, and the right hon. Gentleman would find, in the course of a few years, that the great bulk of those who left the Established Church solely on account of patronage would now, when this was abolished, return to the Established Church. On what ground, he asked, should the money taken from the Established Church be given to the Free Church, as he had suggested? Would it not be an Establishment if it received an endowment from the State? A more extraordinary argument he could not conceive. He regretted, however, that the Government had not brought in a Bill this Session which would have settled the question. He admitted that there was a grievance, but he did not think the hon. Member for Edinburgh had gone the right way to remove it, and therefore he must give his vote in opposition to the Bill. It seemed to him that the intention of the Bill was to confiscate the property of the Church, and to give it to the landowners who did not want it. It would be an act of spoliation, and on this account he should vote against it.

MR. M'LAGAN, while agreeing with much that had been said on the opposite side, intended to vote in favour of the second reading of the Bill. He did not agree with all the details of the Bill, but he thought the grievances of the present system had been so strongly stated by those who moved and seconded the Amendment, that he need not enter into further particulars. The legal obligation to contribute to the maintenance of the ecclesiastical buildings of Scotland fell upon the landed proprietors—or heritors, as they were called. He did not wish that they should be relieved from it; but he did agree most heartily that the feuars, who were only called upon to pay by the Act of 1854, should not continue saddled with it. So far as they were concerned the tax was unfair, unjust, and

unreasonable. The assessments might be commuted into a gross sum, and from that fund the repairs of the ecclesiastical buildings might be kept up, and whatever else was wanted should be supplied by the voluntary subscriptions of the people. If more confidence were shown in the people, he felt convinced that a much larger sum would be got—that there would be more comfortable manse for the clergy, and better churches for the people, and he trusted the time would come when this arrangement would be made. The resistance now made to the rates in some parts of Scotland was so much against the progress of true and vital religion that the sooner the Church looked to it the better. Since the abolition of patronage the Church of Scotland had shown a vitality she had never shown before, and year after year new churches were springing up to be supported on the voluntary system. He did not blame the Government for not bringing in a Bill this year, seeing how difficult it was to get forward the measures in hand; but from what the House had seen of the Lord Advocate, he trusted he would bring in a Bill on the lines of that of last year, which would give satisfaction to the hon. Member for Edinburgh, and would settle the question under the existing system. Still, he thought the Government had done wisely in having another discussion of the subject this year, for the further it was probed the more the injustice appeared, and he hoped that in another year the Government would bring in a Bill on the subject. In the meanwhile, he should vote in favour of this Bill, as a protest against the existing system.

MR. ORR EWING: I agree very much with what has fallen from my hon. Friend who has just spoken. I think his arguments are to a great extent the arguments which I myself used upon a previous occasion in urging upon the Government the course which I thought they ought to pursue; but they led me to a very different conclusion from that at which he has arrived upon this matter. I think the hon. Member's statements were a little inconsistent. He says—"I do not wish to relieve the landlords of Scotland of one farthing of the burden which is now put upon them;" yet, at the same time, he says—"I wish to have a scheme of commutation, to be supplemented by voluntary contributions." Now, what does that point to? Does

Mr. Fane Agnew

it not point to this—that by this system of commutation the Church is to lose something, but she is to be compensated by voluntary contributions? The hon. Gentleman then goes on to describe the energy at present manifested in the Church of Scotland. I admit it; but I say that all that energy is required to supplement the provision that is already made by endowments and establishments. But the hon. Member says—“Because you do so much in the voluntary way, why do you not go a step farther, and give away a little of what you just now received by law from the land?” I admire the Church of Scotland, and I believe everyone must admire the great energy with which she is carrying on her work; but I say that is not a reason for impairing what she is entitled to by law. In fact, I think that this constant nibbling at the Church of Scotland by small measures brought in by the hon. Member for Edinburgh and the hon. Member for the Falkirk Burghs (Mr. Ramsay), whose hostility to the Church of Scotland, not only as a corporate body, but to the individual members of that Church, is well known, is unworthy and discreditable. If you wish to destroy the Church, do it as a whole, but do not nibble at it in this way. Endeavour, if you will, to get a sufficient number of the members of the community and of the Church to agree with you that the Church should be disestablished and disendowed, and its property taken for educational purposes; but do not by such a Bill as this take away money that belongs to the Church and put it into the pockets of the landowners, to whom the Church is as much entitled to look for the maintenance of the churches and manses as she is to the possession of the glebes. The right hon. Member for the Montrose Burghs (Mr. Baxter) admitted the fallacy of this Bill. He admitted that the money did not belong to the landowners; and he also gave statistics as to the members of the Church of Scotland; but I do not think that a matter of any great consequence—the statistics put before the House by the right hon. Member for the Montrose Burghs can have no effect in determining whether the burden of the maintenance of church buildings ought to be removed from where it now rests. Besides, had the right hon. Gentleman any reliable authority for those statistics? He had none whatever. Why is it that he and

his friends on that side of the House—or, at least, those of them who are hostile to the Established Church—refuse to give information upon these subjects when the Census was taken in 1861 and 1871? Did not that prove that they felt sure that the real statistics would by no means bear out their argument? But I say it is unfair to argue that the members of the Free Church, the United Presbyterian Church, and the other Nonconformist Churches of Scotland are against the Established Church, though they belong to Dissenting Churches. We know that in the Church Courts, and especially that of the Free Church, the question of disestablishment has been brought forward this year, and has been carried by a large majority. But the General Assembly of the Free Church is packed by majorities in the Presbyteries, who send men up there for the purpose of carrying these extreme views. We know also that there are very large minorities in the Free Church and the United Presbyterian Church who are opposed to disestablishing. I do not hesitate to say that there are very large minorities of the laity in those Dissenting Churches who are in favour of the Establishment, and who, differing from her as they may upon matters of Church government since the Patronage Act was passed, have no wish to see the old historic Church of Scotland injured, but rather strengthened. If there is one part of Scotland where the Free Church is strongest it is in the Highlands, and I do not hesitate to say that nine-tenths of the people in the Highlands are opposed to disestablishment. Everyone must admire the pertinacity of the hon. Member for Edinburgh, who is thoroughly in earnest in everything he takes up. I remember reading lately that a certain right hon. Gentleman opposite said that Radicalism is synonymous with earnestness, and I must say that my claim, as far as being earnest in the maintenance of the Church of Scotland goes, to be considered a Radical in that sense, is as strong as that of the hon. Member for Edinburgh, for I am as earnest for the maintenance of that Church—believing it to be for the interest of the country—as the hon. Member is for her destruction. Although he has brought in this Bill year after year, he has not yet succeeded in convincing the House of the justice of his proposal. The late Government opposed

it, and I think one of the best speeches ever made upon the subject was made by Lord Young, who was then the Lord Advocate, in opposing the Bill, carrying with him a large majority. He proved to demonstration that church rates do not exist in Scotland. The hon. Member for Edinburgh, however, had not thought it right to change the misleading name which he has given to his Bill. This charge is a burden upon the land, and therefore it is unfair for the hon. Member, year after year, to bring in this Bill to abolish church rates when no such rates exist. At the same time, I do not complain of the hon. Member for persisting with this measure this year, because I do think there was a pledge given by the Government that they would take up this subject and settle it. That pledge was given by Lord Gordon, when he was Lord Advocate, and I regret very much that the matter was not undertaken by the Government. I hope they will bring forward a measure upon the lines of the Bill introduced last year, as that is the only way, in my opinion, in which this question can be settled. I believe that a grievance does exist; but it would be removed by such a measure as that of last year, which would relieve the feuor upon the building he had erected, but not his land. That, I think, would be a just and equitable way of settling this question, which I am as anxious as anybody to have settled. I shall, however, certainly oppose this Bill of the hon. Member. It is wrong in principle, and it does not dispose of the money in the way in which it ought to be disposed of. I do hope that the Government will give an answer to the hon. Member and the House that they will deal with this subject in the same way as they proposed to do last year, and that the hon. Member will not trouble the House to divide upon his Bill.

MR. RAMSAY supported the second reading. The hon. Gentleman the Member for Dumbarton (Mr. Orr Ewing) had declared the title of the Bill to be a misnomer, because, he said, there were no church rates in Scotland; but the hon. Gentleman had forgotten that for the last three centuries there had been ecclesiastical assessments in that country, and he should have liked to have heard explained to English Members what constituted the difference between an assessment and a rate. He was not aware of any difference. Ecclesiastical assessments

in Scotland were in all respects the same as ecclesiastical assessments in England, and were identical in their nature and incidence. Church rates for the repair of the fabric of the church were levied on lands and houses, and any person who did not reside on his property was liable to the assessment on his property in the parish where that property was. When it was said that the owners of land were willing to bear the burden, he must say that the experience of those who made that assertion was different from his own. He believed the owners of land in Scotland were just as anxious to get rid of it as the proprietors of real estate in England were, and he should be glad to see them receive the same justice. The law that was good for England should be obtained for Scotland. On what principle they were to maintain a different law on this subject between the two countries he could not see. As far as he was concerned, he had no objection to commutation; but, then, commutation should be so arranged as not to fix the minority with the liability of the majority; but if the only way to remove existing grievances was by disestablishment, the sooner the Church was disestablished the better. No one had ever heard him advocate disestablishment, but the wrongs that existed in some of the Highland parishes were such that a remedy was urgently required. He, and those with whom he was in unison on this question, were desirous that the law of Scotland should be the same as the law of England; and he thought, in the spirit of fair play which was the characteristic of England, that the views of those who opposed this Bill should not be agreed to by the House. For his part, he heartily supported the Bill of the hon. Member for Edinburgh, the object of which was to remove an excrescence from the Established Church of Scotland, and to place all on a just equality.

SIR WILLIAM CUNINGHAME said, it appeared to him that some of the remarks of the hon. Member for Falkirk (Mr. Ramsay) were of a rather inconsistent character. The hon. Member first stated that the church assessments in Scotland and the church rates in England were identical, then pointed out many respects in which they were not identical, and finally ended by expressing a hope that they would hear no more of the difference of identity be-

Mr. Orr Ewing

tween the two forms of contribution. Now, for his part, he (Sir William Cuninghame) thought the difference between the two contributions was so conclusively proved and decided on previous occasions that it was hardly necessary to go into the matter again. But he might be allowed to point out to the hon. Member that in England the church rates were always voluntary, whilst in Scotland they were involuntary. ["Oh!"] An hon. Member had cried "Oh!" but it was a fact. If the majority of the parishioners of any particular parish in England chose to refuse a church rate, there were no means of compelling them to vote one—therefore, whether they would pay or not was entirely in their own option, whilst in Scotland they had no power to refuse. That made a considerable difference between England and Scotland. Nobody could contest that there was any question of a voluntary rate in Scotland, as the landed proprietors in Scotland were compelled to pay the rates, and had no voice in the matter. He would say no more on that subject, and only alluded to it because the hon. Member had again brought forward the often exploded theory that the two charges were identical. It had been said that considering that the Government had made considerable admissions that grievances did exist, and no doubt did make three years ago a promise that the matter should receive their attention, and had not yet taken the subject in hand, they were bound, if not to accept the Bill of the hon. Member, at least to treat it with much more consideration than if those promises had not been made, to which proposition he partly assented, but to the further proposal he rather demurred, that the Government should bring in a Bill to deal with the question at as early a period as possible. He fully admitted what had been stated, that the promises and engagements of the Government two years ago had, to a certain extent, "placed a spoke in the wheel" of the Bill of the hon. Member for Edinburgh; but he thought that that hardly supplied a reason for urging the Government to undertake the question. He considered that promises and engagements of this character should be considered as subject to certain qualifications—for instance, there was one excuse that would certainly be generally allowed, "want of time,"

which—if the Government had employed it—would certainly have been admitted as a plea for postponing or dropping the matter altogether. There was another qualification, that of possibility, in this case a very strong one. The late Lord Advocate (Lord Gordon) made promises that he would bring in a Bill, and he made great exertions to keep his word—he prepared several measures—certainly three or four—he held numerous meetings on the subject of Scotch Members, and, in fact, took a great deal of trouble; but, having done that, he found that it was utterly impossible to prepare a Bill that would be accepted generally, either in the House or in the country. It was found impossible to fix a point up to which those friendly to the Established Church would go, which would, at the same time, be accepted by the other side as even a temporary settlement of the question; and, under those circumstances, the attempt was given up. He thought the late Lord Advocate had no reason to be mortified at failing to effect a solution of the question, which he thought was impossible from the first. That being so, it was not surprising that he differed from those who thought the present Lord Advocate should step into the shoes of Lord Gordon, and grapple with these difficulties. If one of the Government Bills had been pressed last Session, he was ready to have sunk his own particular views in order to have supported it; but he could not at present help feeling a considerable amount of satisfaction that matters were as they were. From the first he had disliked the compromise proposed, for after all they were little better than robbing Peter to pay Paul, and taking a burden off one class to put it upon another. Besides that, he thought it was better that the Conservative Party should stand on the defensive in the matter, and support and uphold the interests of the Church. If injury to the Church was to be done—and he supposed it would be done in time—he thought it better it should be done wholesale and completely by the Party that sat opposite, and on their responsibility, rather than that it should be done piecemeal by the Conservative Party conniving at what he would almost call spoliation. With regard to the point that had been raised as to the position of "feuars" as distinguished from other proprietors, he did not

agree with his hon. Friend who had just spoken. Upon the broad principle of right and wrong he was utterly unable to see why, if it was right for proprietors to pay these charges, it was not also right that feuars should be called upon to pay them. He could not see that there was any solution of the matter possible by separating the feuars from the proprietors. He thought that the best solution would be that exemptions should be made of smaller proprietors—feuars and all—on account of their poverty, and not on account of their right. This charge on the land should be looked on as national property; and looking on it in that light there could be no doubt, if the Legislature considered that the sum of money was either improperly used or might be better applied, they would be perfectly justified in making an alteration; but he was not prepared to admit that that was the case. The Established Church of Scotland appeared to make a very good use of this property; and therefore they were fully entitled to retain it. It did not appear to him to be a matter of very much consequence whether it was the Church of the minority or the Church of the majority—it was the national Church, and he thought it was very well worth while for the nation to allow it to retain this fund for the purposes of religion. At any rate, it would be wrong to take the property from the Church for the purpose of giving it to private persons. He believed that these views were shared by many, who, like himself, were Nonconformists, in Scotland.

MR. LAING said, it appeared to him that the question had been argued too exclusively upon legal grounds. It had been made too much a question of what the law was, and not what the law ought to be; and it had been left out of view that there was a large amount of practical hardship and a great amount of irritation involved under the present system. There was in his county a parish of about 2,000 inhabitants, the whole rental of which did not exceed £2,000. When the old clergyman died, the new minister required a new manse to be built, and after a litigation that cost between £300 and £400, the manse was built, the total cost being some £2,000. This fell with crushing severity upon the poor feuars; but, in addition, they built a Free church for themselves,

and paid a minister of their own, and built him a manse—while at the same time they were compelled to pay £2,000 to a Church to which they did not belong. He asked whether that was a state of things which, looking at the existing law of church rates, ought to continue? He considered that the result of the abolition of church rates in England had been to strengthen rather than to weaken the position of the Church of England, and that Church was farther now from disestablishment than it would have been if there had been a resistance to the demands of a strong body like the Nonconformists. If he was arguing in the interests of the Nonconformists, he would ask the House to let matters remain as they were in regard to these rates, because he was sure that it was by such grievances that in course of time would arise a feeling which would go a great way towards the disestablishment of the whole Church. He considered that by adopting the voluntary system of church assessments they would be conferring a great advantage, not only upon the proprietors, but upon the Church itself. The question could not be settled by giving the money back to proprietors to put in their pockets; but there would not be the same feeling against the assessment if the money were to be applied to some great national object, such as education, in which all the inhabitants of a parish might have a share; and he considered that the Government, having promised to take up the matter, might bring forward some just and equitable compromise of the sort he had suggested. In any case, he thought it was desirable that in this matter there should be an assimilation of the law of Scotland to that of England, with a view to the removal of an admitted grievance which pressed heavily upon many people to whom the assessment applied.

SIR ALEXANDER GORDON opposed the Motion for the second reading of the Bill, the effect of which would simply be to put the proceeds of the rates into the pockets of the landowners. The most extraordinary argument which had been advanced by the supporters of the Bill was that of the hon. Member for the Falkirk Burghs (Mr. Ramsay), who had told them that the church rates in Scotland were in all respects identical with the church rates in England before

Sir William Cuninghame

the latter were abolished. But the hon. Member could not have resided long in England in a house of his own, or he would have known that church rates in England were levied on personal property as well as on real property—which was not the case in Scotland.

MR. RAMSAY: What I said was that there was a rate levied on real estate for repair of the fabric of the Church distinct from the rate levied on persons, which personal rate was applied for the services of the Church.

SIR ALEXANDER GORDON: It had been urged that this Bill should be read a second time because many of the proprietors in Scotland concerned in this matter were Episcopalians; but that was rather a surprising argument, as these were not at all the people who wished to get rid of this assessment. They were, in fact, the very last who were likely to think of such a thing. It must be borne in mind that, though unfortunately in Scotland there were differences of opinion with regard to Church discipline, there was no difference whatever with regard to the Church itself. All adopted the same profession of faith, going to the Established Church, the Free Church, and the United Presbyterian Church alternately. That was what he wanted to encourage, and he set his face resolutely against anything which tended to encourage hostility on the part of one denomination as against another. With regard to the statistics of the right hon. Member for Montrose (Mr. Baxter), it was quite true that there were places in which those who were not members of the Established Church had increased much more largely than those who adhered to it. That was true; but the places where this had taken place were the cities and large towns; and he would point out that more than one-half of the income of the Free Church was derived from two Presbyteries alone—those of Edinburgh and Glasgow—where the wealthier classes were generally to be found. But it was equally true that those who adhered to the Established Church had increased in the rural districts; but the system which this Bill proposed to destroy was chiefly for the benefit of the rural districts. He could not vote for the Bill for another reason—because he believed it would be most injurious to pass such a measure at the present time. There had been a great move-

ment for the disestablishment of the Scotch Church, and the question now raised could not be separated from that of disestablishment. It was a singular thing that since the question of disestablishment had been raised in Scotland the Free Church appeared to have abandoned the original principle on which they left the Establishment, and to adhere to the principle which Dr. Chalmers held in 1843, still clinging to the principle of Establishment, and having left it only until they could return to it on a better footing. He had lately taken a good deal of trouble to ascertain the feelings of the three denominations in Scotland upon this subject, as regarded both clergy and laity, and he believed that there was a great desire to bring this question to an issue, in order if possible that Scotland might cease to have three Churches advocating the same principles and yet trying to destroy each other. He hoped to see some settlement of this question arrived at in a few years, and he should be very much inclined next Session, if the Government did not bring in a measure early, to move for the appointment of a Royal Commission to inquire into ecclesiastical matters in Scotland in order to see whether a settlement might not be brought about.

MR. ANDERSON said, he had spoken so often against this Bill that he did not propose to say much now, but he should like to make one or two observations in reply to some remarks which had fallen in the course of the debate. The hon. Member for the Falkirk Burghs (Mr. Ramsay) had laboured to show that the church rates in Scotland were exactly analogous to those which used to be levied in England; but the hon. Member's argument convinced him that they were utterly different things. This assessment was a burden upon the land. In England a church rate was levied upon the occupier, and not the proprietor, and it was levied by a majority in the parish upon the minority; and by the law as it formerly stood the majority was enabled to compel the minority to pay an obnoxious rate; nay, he understood that by the law, a minority could impose the rate on a majority, and all the majority could do in such a case was to modify it. That rate had no analogy with the one in Scotland, which was purely a burden upon the land. He did not understand the political morality of

hon. Members who voted for a Bill which they avowedly disliked as a protest against something else which they disliked. Every Bill ought to be judged on its own merits, and by what it intended to do itself. The hon. Member for Linlithgow (Mr. M'Lagan) denounced the Bill in every sentence of his speech as one which would relieve the proprietors of the soil of a burden which was upon it at the time they acquired their property; and yet he was going to vote for it by way of protest against a different thing. He did not know how the hon. Member could arrange that with his political conscience. He admitted there was some grievance; but he maintained that that Bill was not the proper mode of dealing with it. The Government had already had the subject before them, and he had no doubt they would have it again. He should oppose the Bill on the present occasion, and he should continue to do so as long as it was brought before the House.

CAPTAIN MILNE-HOME said, that as an English Member of Parliament, he must protest against the assertion that there was any similarity between the church rates in England and what were termed church rates in Scotland. Many hon. Members, in coming down to this discussion, would imagine that these so-called church rates were similar to those in England, which had now been abolished; whereas they were totally dissimilar, and the title and Preamble of the Bill, therefore, he characterized as being deceptive. He did not believe there was a single landed proprietor in Scotland who objected to this assessment; and the relations between the Dissenters in Scotland to the Established Church were quite different from those of the Non-conformists to the Church of England. But the Bill was skilfully designed to catch English votes, because English Members would naturally think that what was fair for England must be fair for Scotland also. He would give statistics of two parishes with which he was concerned. In one parish there were 100 proprietors, of whom for many years only five were assessed, though now ten were assessed, the remainder—small feuars—were not assessed at all. If this Bill were to pass, the assessment would rest on two persons. In the other parish there were six larger proprietors, of whom only two belonged to the Estab-

lished Church, one of the two being a non-resident, so that the assessment for that parish might fall on a single individual. According to this Bill the money now paid by the other proprietors would go into their pockets, which, he thought, would be most unfair. But the most important distinction between church rates in England and this assessment in Scotland laid in the entirely different origin of the two things. In 1871, when the hon. Member for Edinburgh (Mr. M'Laren) brought forward his first Bill on this subject, the late Lord Advocate Young was called upon to give his opinion. He said he was totally against compulsory church rates anywhere. He further said—

“But it is a wide step from the abolition of compulsory church rates in England to the measure which is now before the House. The assessments with which this Bill professes to deal are applicable, according to the interpretation of the Bill itself, to three distinct purposes—first, the building and maintaining of churches; second, the building and maintaining of manse; and, third, for providing or enlarging any glebes—that is, the land given to the clergyman as a part of the provision for his maintenance. For all these purposes, the laws of Scotland, from an early period, have made provision. Churches, according to law, are built and upheld by the parishioners—an expression interpreted by very old decisions, and always understood to mean the heritors or landed proprietors of the parish. Manses, in the same way, are provided and upheld as part of the provision of the minister by the same commissioners—namely, the heritors. Glebes in like manner are, under the compulsion of the same law, provided for by substantially the same parties. The law of Scotland, therefore, with respect to churches, stands in very obvious contrast with the law of England. The law of England makes no compulsory provision for building or upholding of churches, with the exception only of the chancel, the burden of upholding which was upon the proprietor of the tithes. As to the body of the church, for the maintenance of that the parishioners, or a certain number of them, were authorized, if they pleased, to impose a church rate, to be levied upon all the occupiers of land and houses in parishes, and that was the only church rate which might or might not be imposed, in the discretion of a certain number of the parishioners, and which, when imposed, was levied upon the occupants of all lands and houses in the parish, and was applicable to keeping in repair the body as distinguished from the chancel of the church. That was the rate for the abolition of which the Act was passed in England. The present Bill is a reproduction or transcript of the English Church Rates Act; but it would take away from the parish clergy their manses and their glebes, these being matters with which the English Church Rates Bill had no concern.”—[3 *Hansard*, ccvii. 1180-81.]

This ought to be conclusive that the two

charges were entirely dissimilar in their origin, and therefore the argument that because church rates had been abolished in England they should be abolished in Scotland fell to the ground. He was sorry the hon. Member for Edinburgh had not opened the debate, so that they might have heard from him some further reasons for passing this Bill, for what he (Captain Home) had heard from other supporters of the Bill had not convinced him at all. The right hon. Member for Montrose (Mr. Baxter), for instance, said there had been great complaints among the proprietors about this burden on land; but the right hon. Gentleman did not propose that they should be relieved from the burden—what he proposed was that the burden should still be imposed not only on the proprietors, but on the feuars, the money was to go to the State. He (Captain Home) joined with the other Members who had expressed a hope that the Government would deal with the grievances that admittedly did exist in Scotland with regard to this matter. In parishes with which he was connected it was considered a very great grievance that the small feuars had been brought in as they had been by the Valuation Act of 1854. Before that date the feuars were legally liable, but it had been practically impossible to levy the tax, and he, therefore, thought the feuars should be excluded from the assessment, either as an act of grace by the larger proprietors, or—what would be still better—through the action of that House. There were many instances of their exclusion; but if a single heritor objected to the feuars being left out, they had to be brought in. The tax was most unpopular, and he hoped that the Government would deal with the question early next Session. But with regard to the Bill before the House, the Preamble was deceptive, and he thought the principle radically wrong. He was not afraid to use the word “spoliation” with regard to it. On one occasion the hon. Member for Linlithgow (Mr. M'Lagan) said that to pass the Bill then before the House would be an act of sacrilege, but in spite of that he had hitherto voted for the Bill, and was going to vote for it now. For himself he (Captain Home), thought that so long as the Church of Scotland did its duty, it would be an act of sacrilege to take away a farthing of what

was its just due. He should vote cordially against the second reading of the Bill.

THE LORD ADVOCATE said, many arguments and topics had been introduced in the course of the debate, but he should confine his observations to the Bill before the House. It appeared to him that there was quite sufficient in the principle of the Bill to ensure its condemnation. He would first ask what the Bill proposed to do; and, secondly, whether its proposals were entirely consistent with the rights and interests of the parties concerned? What the Bill proposed to do was to convert a compulsory into a voluntary rate—to enable those to pay who chose to do so, and to enable those who did not choose to pay to keep their money in their pockets. The Bill proposed no other object. There was no provision for exacting the money from those who were liable to pay the assessment, nor any application of the proceeds to the purposes of the State, or any other purpose; but, on the other hand, there was no abolition of the tax. The only operative clauses in the measure were these—the tax was to be levied as heretofore, by those who had been accustomed to levy it, upon those who had been accustomed to pay it, with the simple qualification that those on whom it was levied need not pay it unless they liked; and permission was given to parties under restriction, such as factors, trustees, and others, to make voluntary payment if they saw fit to do so. He had not had the honour before that day of hearing a debate on the subject in that House; but he ventured to say that any casual student of *Hansard* since 1870 would have no difficulty in culling from that source every argument that had been advanced that day on either side—with the exception, he thought, of the arguments of the right hon. Member for Montrose (Mr. Baxter). Unquestionably the suggestions that fell from the right hon. Gentleman were based on principles of disestablishment pure and simple. One of his propositions was to take these funds from the Church, to divert them from the purposes to which they were at present applicable, and to apply them for the future to some worthy national purpose. He (the Lord Advocate) should be quite ready to meet the right hon. Gentleman in argument whenever such

a measure was proposed in the House; but he objected to a proposal to convert a Bill which had one distinct object and purpose into a Bill founded on a totally different principle, and having a totally different purpose in view. They might by changes of detail often convert one Bill into another; but they could not affirm the principle of the measure which was indicated by the right hon. Member for Montrose, and at the same time retain the principle of the Bill of the hon. Member for Edinburgh. The two were essentially different—and to turn one Bill into the other they must alter the principle as well as the details. He could quite understand that when a general assent was given by the House to the principle of a measure, the details might be changed in Committee, and very extensive alterations introduced for the purpose of carrying out and giving effect to the principle on which the Bill proceeded; but that could not be done in this case—for whereas the principle of this Bill was to put into the pockets of landed proprietors money not applied to other purposes, leaving those who chose to do so to give it for its present purpose, they would, if they followed the suggestion of the right hon. Gentleman, convert the Bill in Committee into an Act for taking away money from the heritor and from the Church, and for giving it to persons who were neither named nor indicated in this Bill. Therefore, it was idle now to discuss the merits of such a measure as the right hon. Member for Montrose suggested, for to give effect to the principle which he suggested involved, upon the plainest principles of common sense and logic, a direct negation of the Bill with which the House was dealing and of its principle. After what had been said as to the character of these assessments or payments—and they were more in the nature of irregularly recurring payments than of rates or assessments—he did not think their character admitted of doubt. It had been very fairly admitted on all hands that for a period of something less than two centuries—since the Union—this had been a parochial burden, and a burden upon land; and he ventured to say that, with very few exceptions, if they were to investigate the transmission of landed estates in Scotland from one proprietor to another, they would certainly find that those who held land now

to the largest extent, held it on the footing that they did not pay the full value the property would otherwise yield, because of the burdens placed upon it by the law of the land. It mattered not whether this was Statute or Judge-made law, it had been an inherent part of the land laws of the country for two centuries. The payment was a burden on the land, and if they removed it they would be making a present of it to the proprietor, not merely relieving him of a tax. This being the case, he was bound to say further that so far as he was personally concerned he entirely agreed with what had been said on both sides with regard to the incidence of that burden in more recent years. He had always thought that the incidence of the burden upon feuars had been exceedingly severe, and not what was contemplated by the law, or what was thought to be right even by the majority of those who had borne the burden during the time that it had existed. They knew very well that it had not been always exacted from feuars. Heritors had acted very handsomely in that matter. He quite admitted that the legal liability of the feuars did not admit of dispute—the question was how to adjust the burden. In recent times the word “feuars” had a very different meaning from that which it bore in times past. A feuar now was a person who acquired a portion of a heritor’s property for commercial purposes unconnected with the occupation of the land; and universally the feu rent was greatly in excess of the agricultural value of the land at the time the impost was first made. What was admitted practically by the heritors to be a grievance was that when a man had built business premises or a house, such premises were subject to that old assessment, and paid in many cases more than the land itself. It was also well known that throughout the time the impost had existed it had not been exacted except in rare cases on such property; and it was an undoubted fact, which had been referred to again and again in these debates, that the passing of the Valuation Act of 1854, which gave the value of every one of these properties on the register, had led to the exaction of the tax from that class of feuars. He believed that but for the passing of that Act, which was a most valuable and useful measure, they never

would have heard of this grievance at all. But, because a grievance existed with regard to that class, were they to make a present of the tax to the owners of land?—because they would take advantage of the Bill just as well as the farmers. The practical effect of the Bill would be to confer on the landed proprietors of Scotland a boon which he thought the great proportion of them were not in the least desirous of having. Personally, he believed that the incidence of this burden had been hard on the class he referred to. He made no reference to attempts which had been made—he believed in a perfectly fair and honest spirit—to meet and satisfy that grievance. He was bound to say that, acting under the authority of the Government, he should be delighted to make every effort or to co-operate with others for the purpose of settling this question; not only because he believed that there was something which required to be redressed, but because as a member of the Church he believed it would be greatly to her advantage that all cause of complaint should, if possible, be removed. But, while he was not alleging this as an inducement to those who approved of the principle of the measure to vote with the hon. Gentleman who had moved that the Bill be read three months hence, he would express his willingness to undertake as far as he could the duty of endeavouring to produce a measure that would meet the case, with the assent and assistance of the Members for Scotland. But he opposed this Bill, because, although it was well meant, and was intended to effect a fair settlement of the question, it could not, in his opinion, possibly have that result.

MR. M'LAREN said, that at so late a period in the afternoon he would not long detain the House, but as so much had been urged against the principle of the Bill, he felt bound to endeavour to meet the objections. In the first place, he must disclaim a compliment that had been paid him by the hon. Member for the Wigtown Burghs (Mr. Stewart), with reference to the effect of this Bill being intended to defer the period of disestablishment. He was proud to say that 40 years ago he discovered, and publicly denounced, the injustice of Church establishments, and now agreed with what had been said by the right hon. Member

for Montrose (Mr. Baxter), and other hon. Members, who had referred to that question. The hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon) said he had gone into the statistics of the Free Church for the last year, and was prepared to state that a very large proportion of the income of the Church was derived from the cities of Edinburgh and Glasgow. [Sir ALEXANDER GORDON: Presbyteries, not cities.] He (Mr. M'Laren) had the accounts for the last year, and he found that out of a total revenue of £560,000, the Presbytery of Edinburgh contributed £70,000, and the Presbytery of Glasgow £94,000, making £164,000 altogether. Now, seeing that these two Presbyteries contained about 1,000,000 of persons, or nearly one-third of the whole population of Scotland—and by far the richest third—he thought that in place of their contributing an undue proportion of the funds of the Church, they had contributed less than their just share. The House would thus see that the hon. and gallant Member must have been misinformed on these points. He could not agree with the hon. Member for Ayr (Sir William Cuninghame) that, although the Government had last year promised to legislate upon the subject, they were under no obligation to perform their promise, or to attempt to do more than they had already done. He would respectfully recommend the hon. Baronet to read that chapter in *Paley's Moral Philosophy*, which he (Mr. M'Laren) had read very many years ago, on the sense in which promises were binding; and, after doing so, he felt satisfied the hon. Baronet would never again venture to hold or express the loose moral principles to which he had given utterance in this debate. It had been admitted by nearly every speaker, including both sides of the House, that the present state of things was unsatisfactory; and there had been considerable unanimity in calling upon the Government themselves to introduce a measure to settle the question. To that appeal he cordially said Amen. He had often urged the same thing, and he had stopped his own feeble efforts to legislate, once for the late and once for the present Government. The latter brought in a Bill a year ago; but bringing in a Bill was one thing, and pressing it forward, with the view of carrying it, was another. He did not blame the late

Lord Advocate for what happened then ; but he could not fail to remember that the measure was distinctly introduced on the authority of the Government. It really met with no open opposition—it was strangled by private backstairs influence on the part of the Friends of the Government, without being discussed in any manner whatever in the House. Unless a distinct understanding with the Government was arrived at, he saw no reason why he should not persevere with the present Bill ; for nothing could be more cautious than the way in which the Lord Advocate had promised on the part of the Government to make another effort to settle the question, and therefore not much could be looked for from that promise, considering what had previously taken place. Great stress had been laid upon the name of the Bill, and an attempt had been made to prove that the church assessment in Scotland was not equivalent to the church rate in England. The Lord Advocate had very truly said that it was of little consequence what the impost was called, as they all understood what was meant. It seemed almost childish to argue on the difference of words. The Bill itself removed all doubts as to the meaning by defining church rates thus—

“ In this Act ‘ Church Rate ’ shall mean any rate or assessment imposed or laid on for the building, rebuilding, enlargement, or repair of any parish church, or assistant church, or manse, or for providing or enlarging any glebe. ”

He did not think they would find the words “ poor rate ” anywhere in Acts of Parliament relating to Scotland. It was always “ assessment for the support of the poor,” and was payable one-half by the owner, and the other half by the tenant ; whereas, in England, it was always called “ poor rate,” and wholly paid by the tenant. But would any man, with any conception of logic in his head, get up and say that the poor rate was different in England and Scotland, because in the one country it was called a rate and in the other an assessment, and because the incidence was supposed to vary from this difference in the mode of payment ? Everybody in Scotland knew that poor rate and poor assessment were identical, and so he held that church rate and church assessment were identical. Compulsory church rates had

been abolished in England, and church cess had been abolished in Ireland. In the latter case there was no outcry about money being put into the pockets of the landlords, and the substitute fund was made up by the suppression of sinecure church livings. When these things were done in England and Ireland, why should Scotland be subject to this rate ? Seeing that the House had passed a law making church rates voluntary payments in England and utterly abolishing them in Ireland, why should it not pass a law on the same lines for Scotland ? The injustice had been generally admitted, even by those who denounced this Bill, and the Lord Advocate himself said he was of opinion that a remedy was called for. The hon. and gallant Member for Berwick (Captain Home) had quoted the speech of Lord Advocate Young, in order to prove that this Bill was an exact transcript of the English Church Rate Abolition Act. But he could not comprehend what bearing that had upon the matter, except to show that Parliament would not be justified in refusing to Scotland that which had been conceded to England. The Church of Scotland got £350,000 per annum of endowments from the heritors, and the Exchequer ; and it enjoyed this additional advantage even over the Church of England—that if the stipend of any of its ministers was below £150 the deficiency was made up by the Exchequer. The hon. and gallant Member for Berwick was by no means justified in asserting that not a single landowner supported the Bill ; for, even in this House, the hon. and gallant Member must this day have heard two large landowners—one of them possessed of at least 50,000 acres—support the Bill by their speeches, and they would, no doubt, do so by their votes ; and other large landowners had supported it in former years. [Cries of “ Divide ! ”] He hoped the House would not be impatient, because he avoided speaking in introducing the Bill in order that time might be saved. The injustice of the present state of things was generally admitted, but he would not dwell upon that. He simply maintained that the Church of Scotland was itself able to meet the expenditure for which the rates were levied. The great advantages which the Church enjoyed as compared with other sects ought to make its ad-

herents reasonable on this question. Churchmen were themselves getting to see the injustice which was complained of, and becoming anxious to have it removed. He would now proceed to state a few facts respecting the different religious bodies in Scotland. To begin with the Established Church—it appeared from the able and interesting Report laid before the last General Assembly that it had altogether 1,334 churches and chapels. Returns were obtained from 1,246 of these, and the total sum collected at those places of worship, for all purposes, was £384,000, including about £50,000 from pew rents, and also including collections for infirmaries and other such benevolent objects. This sum was equal to an average of about £308 for each congregation. The exceptionally favourable position occupied by the Church should enable it to subscribe for religious objects more largely than other denominations; but, as a matter of fact, it subscribed a great deal less. As regards the United Presbyterian Church, nearly 100 congregations in England last year separated from the Scotch body, and formed a Synod of their own in England. The amount collected by the remaining 526 churches in Scotland from congregational sources, was £316,000; and in addition to this, £62,000 was derived from legacies and special donations, making a total of £378,000, or an average of over £700 for each congregation. This was nearly double the average of the Established Church, although the United Presbyterian Church was a much poorer body. This was proved by the fact that 150 congregations of that body were unable to pay a reasonable stipend to their minister, and that other congregations made up the stipend to £200 in all of these cases.

Now, going to the Free Church there were 1,028 congregations, all of which had been formed since 1843. Their income from all sources was £565,000, or at the rate of £550 from each congregation. Besides this, the Free Church had £600,000 of capital invested for special purposes, and had the property of all the churches, mansees, colleges, normal and other schools, and the Assembly Hall. These two Nonconformist bodies, holding the same doctrines, and observing the same forms of worship as the Established Church, a few years ago entered on negotiations for an incorporated

union. It was not then successful, but there could be no doubt that the union would not be delayed for many years. In such circumstances, the fair way to deal with the Established Church was not by comparing it with each of these bodies separately, but with both of them united, as if they formed one body. The comparison would then be fair to all parties. He would, therefore, with the permission of the House, state the results of such a comparison. The Established churches and chapels numbered 1,334, and the Free and United Presbyterian churches 1,554, being a majority of 220 in favour of the two Nonconformist churches. Comparing their pecuniary contributions in the same way, the results were still more startling. And, in order to do the Established Church justice—and more than justice—he would assume that each of the 88 churches which did not send in returns raised as much on an average as each of those which did send returns—an assumption, however, contrary to all experience; for those who had much to show were generally fond of showing it, while those who had little to show often kept their want of success in the background. Proceeding, then, on this assumption, the 88 non-reporting congregations might, for the sake of illustration, be held to have raised £27,000, thus increasing the total contributions of the Established Church to £411,000. But the two Free Churches raised £943,000, thus exceeding by more than £500,000 a-year the sum raised by their endowed competitor. The average sum assumed to be collected by each Established Church congregation was £308, while the average sum collected by each congregation of the other two bodies was £606. It would thus be evident beyond all dispute that even if the Church were deprived of this paltry £30,000—being the generally assumed amount levied annually for church rates—it could easily make it up, and yet contribute far less than was done by the two Free Churches. These comparisons showed conclusively that the Established Church of Scotland must be in a considerable minority, even as compared with the two Free Churches which he had named; but when all the other religious bodies were taken into account—the Episcopal Churches, Baptists, Congregationalists, Methodists, Evangelical Union, the Roman Catholics, and the smaller

bodies—the members and adherents of the Established Church must be in a very decided minority of the people of Scotland, and hence the injustice of these church rates was all the greater. He might state, in this connection, that since the year 1843, the period of the Disruption, the Free Church had collected £12,000,000, and the United Presbyterian Church £7,500,000 for Church, and missionary, and educational purposes. This was a remarkable fact, apart from any question of church rates. He considered, under the circumstances, that the claim for the abolition of these vexatious rates was irresistible, and, as he had said before, the Church people themselves were beginning to admit it. He did not base the claim so much upon abstract principles as the existence of a real grievance. Speaking in the General Assembly, in seconding the Motion for the adoption of the financial Report, which had been referred to, Professor Charteris, a man universally respected, said—

“Was it not a somewhat remarkable fact that one never saw in social life that the Dissenter, who gave much more towards his Church, looked poorer than we were? He who was paying much more largely than the attender on a parish church was not thereby a poorer man.”

There was a discussion in the Town Council of Forfar last month, when Mr. Craik, a member of that body, said that as the parish minister—in making certain claims on the Town Council connected with these church rates—had meddled with the Council, he would tell him his duty, adding—

“These requests brought them nearer disestablishment, and brought out the injustice to the Dissenters, who, besides paying their ministers and upholding the fabric of their churches, were thus called upon to pay for upholding the parish church of Forfar. Although a member of the Established Church, he regarded this as a gross injustice to the Dissenters.”

It was a mistake to imagine, as had been assumed, that the burden of the rate was less than formerly. As a matter of fact, it was greater. Although he had not said all he had intended, he hoped he had said enough to justify his appealing to the House, and asking them to assent to the second reading of the Bill, with a view to removing these unjust and irritating imposts.

Mr. M'Laren

Question put, “That the word ‘now’ stand part of the Question.”

The House divided:—Ayes 143; Noes 204: Majority 61.—(Div. List, No. 220.)

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

IRISH PEERAGE BILL.—[Lords.]

(*Mr. Plunket.*)

[BILL 119.] SECOND READING.

Order for Second Reading read.

MR. PLUNKET, in moving that the Bill be now read a second time, said, the House of Lords had passed it without a division, and it had only one object. The present Bill was devoid of all controversial matter, and dealt with one matter only, and that in a single clause. The Bill was to repeal that provision in the Act of Union which enabled Her Majesty to create fresh Irish Peerages. At the time of the Act of Union, there were 234 Irish Peers entitled to sit in the Irish House of Lords; but by the Act of Union all those Peers were deprived of their right, merely retaining the privilege of electing 28 Representative Peers to sit in Parliament. So far the Act of Union followed the precedent set in the Scotch Act of Union, which abolished the ancient and illustrious Peerage of Scotland. The distinction between the Irish and Scotch Act of Union was mainly this—it was contemplated by the Scotch Act of Union that the distinctly Scotch Peerages should become in time extinguished, as no power was reserved to the Sovereign to create a fresh stock of Peerages. In Ireland, however, for various reasons into which it was not then necessary to enter, the Prerogative of the Sovereign was proposed to create Irish Peerages. Opposition, however, arose, and an anomalous plan was adopted, that the Sovereign within certain limits and certain times should create Irish Peerages. Whenever these Irish Peerages became extinct, then the Sovereign was entitled to create fresh Irish Peerages, and this was to continue to be the process of the creation of Irish Peers until the number was lowered so far that only 100 remained. The feeling of indignation

among the Irish Peers upon this provision of the Act of Union had never been got rid of, and there had been several attempts to repeal the obnoxious measure. The right hon. and learned Member for Clare County had the credit of first bringing this subject before Parliament. In 1867 he brought it forward in the form of a Resolution, and again in 1868 he introduced a Bill. On both occasions the proposals were resisted, mainly on the ground that it was an invasion of the Prerogative of the Sovereign. But in reply to an Address from the House of Lords, Her Majesty had been pleased to intimate that she did not desire her Prerogative to stand in the way of the consideration of the subject by Parliament. After these two attempts the subject was again revived in 1869, and the right hon. Gentleman the Member for Greenwich, then at the head of the Government, was not unfavourable to it, though it was his opinion that a measure of the kind, touching the interests of the House of Lords, would have been more fittingly introduced in that House. In 1869 Earl Grey brought in a Bill, but that Bill was met by a Resolution to appoint a Committee to inquire into the Scotch and Irish Peerages. That Committee was appointed; but if it met, it never issued a Report; and so matters stood until 1874, when his noble Friend (Lord Inchiquin) introduced his Resolution praying Her Majesty to allow the consideration of the subject by Parliament. That was followed by a Bill last year, which passed through the House of Lords, but in the House of Commons met with an unfortunate fate. Now, again this year, the Bill was brought forward in a different form, the operation being confined to repealing the provision in the Act of Union to which he had referred. He would remark that there was this difference between the Scotch and Irish Peers—that the Scotch Peers were elected for one Parliament, while the Irish Peers, once elected, served in the House of Lords for life; and both differed from the Peers of the United Kingdom, in that this privilege of a seat in the Legislature did not descend to the son of one of those Peers. In all the attempts which had been made to deal with the subject of the Scotch and Irish Peerage, though there had been various differences of opinion, there had never been

any opposition to that part of the proposal which alone was the object of the present Bill. He did not know on what grounds it might be resisted. It came from the House of Lords with the unanimous approval of both sides of that House, and had been sanctioned by the Report of Lord Rosebery's Committee in 1874. The position of the Irish Peer was this—in Ireland, he could not sit for any constituency in this House. He could not take part in a grand jury, or share in the proceedings of county business upon posts such as commoners were eligible for. He could come to this country, and, if elected, take his seat for an English constituency, but he could not take his seat in the House of Peers among his own Order. That was a position which the Peers did not think a dignified one. Under the circumstances, he could not see the grounds for resisting the second reading of the Bill. All those causes of objection existing in former measures had been removed, and it seemed just the measure which would amend the provision often complained of in the Act of Union; and it fully met the views expressed by the most ancient Irish Peers themselves, as denoted in the protest which many of them signed at the time of the passing of the Act of Union. The hon. and learned Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Plunket.*)

CAPTAIN NOLAN said, he objected to the Bill, at any rate for the present Session, as it would allow any hon. Member to open up a discussion involving the whole incidents of the Irish Peerage and the right of Irish Peers to sit upon Grand Juries and in that House as the Representatives of Irish constituencies.

SIR GEORGE BOWYER objected to the measure, because it proposed to limit the Prerogative of the Crown. Although Her Majesty had graciously condescended to permit the subject to be discussed by Parliament, he protested on Constitutional grounds against the power of the Crown to create dignities being restricted in any way. The hon. and learned Baronet was proceeding, when—

It being a quarter of an hour before Six of the clock the Debate stood adjourned till *To-morrow*.

REGISTRATION OF LEASES (SCOTLAND)
ACT (1857) AMENDMENT BILL.

On Motion of Mr. MONTGOMERIE, Bill to amend "The Registration of Leases (Scotland) Act, 1857," ordered to be brought in by Mr. MONTGOMERIE, Mr. MACKINTOSH, and Sir WILLIAM CUNINGHAME.

Bill presented, and read the first time. [Bill 246.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 12th July, 1877.

The House met;—

MINUTES.]—PUBLIC BILLS—*First Reading*—Companies Acts Amendment (No. 3) * (141); Legal Practitioners * (142); Public Works Loans (Ireland) * (143); Registered Writs Execution (Scotland) * (144).

Second Reading—Local Government Provisional Order (Sewage) * (136); General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) * (135); Colonial Fortifications * (133).

Committee—Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) * (139).

Third Reading—New Forest * (129); Local Government Board's Provisional Orders Confirmation (Joint Boards) * (131).

A ROYAL COMMISSION

Royal Assent—Public Works Loans [40 & 41 Vict. c. 19]; Royal Irish Constabulary [40 & 41 Vict. c. 20]; Prisons [40 & 41 Vict. c. 21]; General Police and Improvement (Scotland) Act (1862) Amendment [40 & 41 Vict. c. 22]; Norfolk and Suffolk Fisheries [40 & 41 Vict. c. 98]; Metropolis Toll Bridges [40 & 41 Vict. c. 99]; City of London Improvement Provisional Order Confirmation (Golden Lane, &c.) [40 & 41 Vict. c. 100]; General Police and Improvement (Scotland) Provisional Order Confirmation (Dumbarton) [40 & 41 Vict. c. 101]; Greenock Improvement Provisional Order Confirmation [40 & 41 Vict. c. 102]; Metropolis Improvement Provisional Orders Confirmation [40 & 41 Vict. c. 103]; Elementary Education Provisional Order Confirmation (London) [40 & 41 Vict. c. 104]; Pier and Harbour Orders Confirmation (No. 1) * [40 & 41 Vict. c. 97].

And their Lordships having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, till *To-morrow*, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 12th July, 1877.

MINUTES.]—SELECT COMMITTEE—*Report*—Irish Land Act (1870). [No. 328.]

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART.

PUBLIC BILLS—*Second Reading*—Fisheries (Oysters, Crabs, and Lobsters) * [217]; Telegraphs (Money) * [227]; Consolidated Fund (£20,000,000) *.

Select Committee—Report—Canal Boats * [No. 327].

Committee—Report—Public Loans Remission * [226]; Solicitors Examination, &c. * [190].

Withdrawn—Money Laws (Ireland) Amendment * [198].

QUESTIONS.

METROPOLIS—NEW LODGE IN HYDE PARK.—QUESTION.

SIR CHARLES W. DILKE asked the First Commissioner of Works, with reference to the erection of a lofty lodge for the superintendent of Hyde Park in one of the most beautiful parts of the park, Whether the whole cost of the building has been paid by Mr. Albert Grant?

MR. GERARD NOEL, in reply, said, the whole cost of the building in question was paid by Mr. Albert Grant.

THE SOUTHERN PACIFIC.—THE SAMOA ISLANDS.—QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, If a Petition has been sent to Her Majesty's Government from the Samoa Islands, praying for British protectorate, and for the appointment of a Political Resident in the Group?

MR. BOURKE: No such Petition has been received at the Foreign Office. Her Majesty's Consul at Samoa has reported by telegraph, that on account of disturbances and great risk to life and property of British subjects, he would, should it become necessary, take the responsibility of granting British protection to Samoa temporarily while awaiting orders from home. It has been decided to defer sending instructions on the matter till Despatches have been received from Consul Liardet and Sir Arthur

Gordon. We are not at present aware of the reasons which led the Consul to take the decision which he has announced. As at present advised, Her Majesty's Government are not prepared to assume any direct responsibility with respect to administration of affairs in Samoa.

QUEEN ANNE'S BOUNTY BOARD.

QUESTION.

MR. BASS asked the Secretary of State for the Home Department, If he would kindly describe to the House the number and composition of the members of Queen Anne's Bounty Board; whether they number about six hundred and fifty, and that a large proportion of them are not members of the Established Church; whether they have absolute control over large Church property which is designed to augment the income of poor incumbents; and, whether complaints have been made to him of their administration of that property?

MR. ASSHETON CROSS, in reply, said, he thought the Queen Anne's Bounty Board consisted of the following persons:—The Archbishops and Bishops, the Deans and Chapters, the Speaker of the House of Commons, all Privy Counsellors, all Lords Lieutenant of Counties, the Judges, the Serjeants-at-Law, the Queen's Counsel, the Chancellors and Vice Chancellors of the Universities of Oxford and Cambridge, the Lord Mayor and Aldermen of London, the Lord Mayor of York, the Attorney and Solicitor General, and the Mayors of all other towns. Considering how great was the number of those constituting the Board, there were no doubt many among them who did not conform to the doctrines of the Church of England; but he would refer the hon. Member, and all others who took an interest in the matter, to the Report of the Committee of this House which sat in 1868 to investigate the constitution and functions of this Board, and which made a Report to the House. The Members of the Board, no doubt, had control over considerable sums of public money, and he believed also that there had been recent complaints as to their action.

GIBRALTAR — NEW CUSTOM HOUSE REGULATIONS.—QUESTION.

MR. MAC IVER asked the Under Secretary of State for the Colonies, Whe-

ther it is true that under the new regulations which are proposed with reference to the Custom House at Gibraltar, steamers calling there with cargo and arriving on a Saturday afternoon will not be able to commence discharging until Monday morning, instead of as at present being able to proceed on their voyages in the course of a few hours; and, whether the Government will endeavour to modify the proposed Ordinance in such manner that it may not result in any such serious interference with the trade of the port, nor in increased expenses to steamers making legitimate use of Gibraltar as a port of call?

MR. J. LOWTHER: My hon. Friend apparently refers to Clause 15 of the Draft Ordinance, which provides that "goods shall not be landed from any ship on Sundays, or holidays, except by special permission of the Governor." It is, however, the intention to grant such special permission in the case of the principal lines of steamers calling at Gibraltar, so that no inconvenience of the kind alluded to is likely to arise. The general opening, however, of the Custom House on Sunday for business which can be as well transacted upon other days would manifestly be undesirable.

SOUTH AFRICA CONFEDERATION — THE TRANSVAAL TERRITORY.

QUESTION.

MR. A. MILLS asked the Under Secretary of State for the Colonies, as to the Supplementary Estimate of £100,000 in aid of Expenditure in the Transvaal Territory, Whether any communication has reached the Colonial Office warranting the expectation held out by the Treasury of repayment of that amount from Local Revenue?

MR. J. LOWTHER: It has been, as yet, impossible to obtain full details of the revenue of the Transvaal, but there can be no doubt that its natural capabilities and climate render its prospects extremely promising. The experience, moreover, of other Settlements—few of which are so favourably circumstanced—fully justifies the confident expectation that the re-payment of £100,000 will be easily accomplished in the course of a few years. If, however, this were not so, the expenditure of such a sum

would, I need hardly remind my hon. Friend, be a mere trifle, as compared with the cost and calamity of a Caffre war. I may, perhaps, be allowed to take this opportunity of correcting a misapprehension which the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) appears to be under with reference to some observations of mine in the debate on the second reading of the South Africa Bill, and upon which he founded a Question addressed to the Chancellor of the Exchequer on Tuesday last. What I said was, that subsequent to a statement made by my noble Friend the Secretary of State in "another place" fuller information had been received from Sir Theophilus Shepstone. The despatch to which I referred was already upon the Table, and will be found at page 152 of the Blue Book, and is numbered 122. This despatch was received on May 26, while Lord Carnarvon's statement was made on May 7.

MR. W. E. FORSTER: I understood the hon. Gentleman to allude to a despatch received at a later date.

THE CIVIL SERVICE—WRITERS IN GOVERNMENT OFFICES.—QUESTION.

MR. GORDON asked Mr. Chancellor of the Exchequer, Whether the Government is prepared to concede to those writers or copyists who have for a year or upwards been continuously employed in one Government Department the same amount of leave of absence, without loss of pay, as is allowed to the lower division clerks under the Playfair scheme, seeing that in both cases the hours of work are the same throughout the year?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it would be altogether impossible to put the writers and copyists on the same footing as regards leave of absence with the lower division of clerks, who were now an established portion of the Civil Service, and were on the same footing as regards leave of absence and other advantages as any other members of the Civil Service. The copyists or writers, on the other hand, were only engaged temporarily.

TURKEY—RELEASE OF BULGARIAN PRISONERS.—QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, If it is true that, notwithstanding the

Mr. J. Lowther

remonstrances of the British Ambassador, the amnesty which has been proclaimed, and the promise of the Sultan, the Bulgarian prisoners, or at all events the Christian portion of them, have not yet been released?

MR. BOURKE: Sir, I regret to say that the promise of the Sultan with regard to the amnesty of these prisoners has not yet been carried into effect. It has been represented to His Majesty that in the present state of affairs it will be dangerous to allow persons who were leaders of the insurrection to return to their homes; and it was settled that the prisoners alluded to by the right hon. Gentleman, as well as all others, should be classified. One class would include those who would be pardoned immediately; another class would include those who would be released, but, at the same time, placed under police supervision; a third class would include those who would be allowed to return to their homes at the end of the war, but would be released immediately; and the fourth would include those who had been sentenced to death, and who would be kept in prison for life. Mr. Layard had arranged with Mr. Blunt, in concert with the Porte—Mr. Blunt being now Consul at Adriannople—that he should arrange the details of the release of these prisoners; and he has reported that the classes and the names of all the prisoners have been received from Sofia and Philippopolis, and that the classification has been completed; but the prisoners have not yet been released. About a fortnight ago my noble Friend the Secretary of State for Foreign Affairs, in a despatch to Mr. Layard, instructed him to represent to the Porte that the promise of the Sultan ought to be immediately carried out. I may also mention that Mr. Layard has been unceasing in his endeavours to obtain the release of these prisoners, and his efforts have been entirely approved by Her Majesty's Government. There will be no objection whatever to lay the despatches of Mr. Layard upon the subject before Parliament.

CHRIST'S HOSPITAL—SUICIDE OF A SCHOLAR.—QUESTION.

MR. SERJEANT SHERLOCK asked the Secretary of State for the Home Department, Whether his attention has

been called to the Coroner's Inquest held on Friday last, on William Arthur Gibbs, a boy of twelve years of age, a scholar of Christ's Hospital, who, according to the verdict of the Coroner's Jury, committed suicide while in a state of temporary insanity; and, whether it is proposed to institute any investigation into the circumstances under which that child was driven into a state of insanity by the cruel treatment to which he appears to have been subjected?

MR. ASSHETON CROSS: Mr. Speaker, everyone must deeply regret the occurrence that took place at Christ's Hospital, and no one more so than those who have the management and care of that School. I must demur to one statement in this Question—namely, that which implies that there was cruel treatment, because that assumes that which has not yet been proved true. That is the material part of the case. The Coroner's Jury were asked by the Coroner whether the deceased destroyed himself from fear of punishment, or if they thought that ill-treatment was the cause they were to say so; otherwise they were to find a verdict of temporary insanity, and they found a verdict of temporary insanity generally, and not either of the other causes. However, the authorities of the School have already made a thorough investigation into this matter; and, so far as I can learn from that investigation, in their opinion what has happened was owing very much more to the peculiar temperament of the boy himself than to any cruel or harsh treatment to which he was subjected. With that good feeling which, I am quite sure, will always characterize any body of persons who have the well-being of a school of this magnitude at heart, the managers have placed themselves unreservedly in the hands of the Secretary of State on the point as to whether any other inquiry ought to be instituted. Upon that matter I have not the slightest hesitation as to what course should be pursued. I think it most desirable for the interests, not only of the public, but of the School itself, that an investigation should take place; and I want now only to bear my testimony to the candid way in which the Governors of the School have come forward to promote any inquiry which may be made.

MR. SERJEANT SHERLOCK said, the father of the boy, who was quite un-

known to him, had forwarded to him a copy of a letter from the master of the school at Hertford, where the boy was formerly educated, giving him the highest possible character.

THE SOCIETY OF THE HOLY CROSS— "THE PRIEST IN ABSOLUTION."

QUESTION.

MR. HUSSEY VIVIAN asked Mr. Chancellor of the Exchequer, Whether, in view of the Resolution come to on the 6th instant by the Upper House of Convocation, in which, after hearing the written declaration of the general meeting of the Holy Cross Society, the House of Convocation resolved "that they held the Society of the Holy Cross responsible for the preparation and dissemination of the book called 'The Priest in Absolution,'" and that the Society in their declaration had neither repudiated nor effectually withdrawn from circulation the aforesaid work, and that the House expressed its strong condemnation of any doctrine or practice of confession which can be thought to render such a book as "'The Priest in Absolution' necessary or expedient," and that the Primate in his opening address is reported to have said that it "was a conspiracy in our body against the doctrine, the discipline, and practice of our Reformed Church," the Government are prepared to take such legal steps as may be necessary to ascertain the names of any clergymen of the Church of England who may be members of the Society of the Holy Cross, and to take further steps either of assisting the archbishops and bishops, or otherwise, so as effectually to prevent such clergymen from continuing to minister within the pale of the Church against the doctrines, discipline, and practice of which they are declared by the Primate to be in conspiracy; and, whether, in the event of the Law being at present insufficient to attain that end, they will be prepared to introduce a measure calculated effectually to put a stop to such practices next Session?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the only answer that I am able to give to the Question of my hon. Friend is that the Government have received no official communication on this subject, and that they do not feel them-

selves to be in a position to initiate any proceeding with regard to it.

MR. HUSSEY VIVIAN: I beg to give Notice that unless proceedings are taken by the constituted authorities either of the other House of Parliament or of this House, I shall, at an early period next Session, bring this matter before the House in the manner in which I shall be best advised to do.

ARMY—SCHOOL OF MILITARY ENGINEERING AT CHATHAM.—QUESTION.

MR. H. B. SAMUELSON asked the Secretary of State for War, Whether Officers of Infantry Militia may be permitted to attend the School of Military Engineering at Chatham, in a limited number at a time?

MR. GATHORNE HARDY, in reply, said, that though he was anxious that all officers should avail themselves of the military schools, the power of the staff of the Engineering School at Chatham was already overtaxed, and he could not at present give permission for officers of the Infantry Militia to study there.

RUSSIA AND TURKEY—ALLEGED RUSSIAN ATROCITIES. QUESTIONS.

MR. RITCHIE asked the Under Secretary of State for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to alleged atrocities said to have been committed by the Russian troops and by Bulgarian Christians in Asia and in the district of Sistova in Bulgaria; and, whether any inquiries have been made into their truth and with what result?

SIR GEORGE BOWYER: I have a Question upon the same subject, which it would perhaps be convenient to put now. It is to ask Mr. Chancellor of the Exchequer, Whether the Turkish Government have sent any and what communication to the British Government regarding acts of the greatest gravity committed by the Russian troops in the invaded parts of the Turkish territory, amounting to a systematic course of massacre, pillage, and incendiarism, especially at Sistova, Batach, Soukoum Kalé, Ardache, and elsewhere in Asia, and the brutality practised towards the Armenian Bishop of Utach-Kalissa;

The Chancellor of the Exchequer

and, whether the Government will lay Papers upon the Table of the House on this subject?

MR. BOURKE: The Question of the hon. and learned Baronet is not quite the same as the Question of my hon. Friend, and I think I had better postpone it until it comes on in its order. With regard to the Question of my hon. Friend, I have to state that reports of atrocities similar to those mentioned in the Question have been communicated to Mr. Layard by the Porte, and have also been reported to Her Majesty's Government by the Turkish Ambassador in London. The only information we have from other sources was in a private letter from Soukoum Kalé to the British Vice Consul at Trebizonde, the substance of which was telegraphed here by Mr. Layard, and which stated that Russian atrocities were reported at Adlu, north of Soukoum Kalé, and 1,500 families were said to have died from starvation, being forced to fly to the forests to escape the Cossacks, who burnt and pillaged all before them. The writer's name is not mentioned, and it has not been possible to make inquiries into the accuracy of his statements.

Afterwards—

THE CHANCELLOR OF THE EXCHEQUER said: Communications of the character mentioned in the Question of the hon. and learned Member (Sir George Bowyer) have been received at the Foreign Office, and they will be included in the Papers which will be laid upon the Table shortly.

ARMY MEDICAL OFFICERS RETIREMENT.—QUESTION.

DR. WARD asked the Secretary of State for War, If he will offer the same terms of retirement to all the Army Medical Officers as have been offered to those now joining?

MR. GATHORNE HARDY, in reply, said, he could not offer the same terms of retirement to all the Army medical officers as had been offered to those now joining, for the reason that the different sets of officers had entered the Service on wholly different conditions.

ENDOWED SCHOOLS—STAMFORDHAM SCHOOL.—QUESTION.

MR. BEAUMONT asked the Vice President of the Council, Whether his

attention has been called to the long-continued inefficiency of Stamfordham School in Northumberland; and, whether the Endowed Schools Department will be prepared to issue at an early date a new scheme for the management of the said school, providing (inter alia) for the compensation and compulsory retirement of the present master thereof?

VISCOUNT SANDON: This case has engaged the attention of the Charity Commissioners for a long time. The draft of a new scheme for the management of the school has been prepared, and is on the point of being published in the manner required by the Endowed Schools Act. It provides, among other things, for the compensation and compulsory retirement of the present master.

INDIAN WAR CHARGES.—QUESTION.

LORD FREDERICK CAVENDISH asked Mr. Chancellor of the Exchequer, Whether any decision has been yet arrived at with respect to the principles under which the claims of the War Office upon the India Office on account of the Home Charges incurred for the Regular Forces serving in India during the years 1870-71, 1871-2, and 1872-3 are to be decided; and, whether any decision has been arrived at with respect to those charges in future years?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it was true there had been a difficulty in arriving at the settlement of the claims referred to by the noble Lord, and the matter had been referred to him. He was very anxious to bring about a settlement of the question, which certainly ought not to be left long outstanding.

ARMY—REGIMENTAL MAJORS AND LIEUTENANT COLONELS. — QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If the rule instituted by Lord Cardwell "that Majors as well as Lieutenant Colonels are only to hold that position in regiments for five years" is to be acted upon in the same way as owing to the rule not having been carried out, great uncertainty is felt by the junior ranks?

MR. GATHORNE HARDY, in reply, said, the Rule would, when finally settled, be laid down in the new Warrant upon Promotion and Retirement.

FRANCE—PASSPORTS.—QUESTION.

MR. REPTON asked the Under Secretary of State for Foreign Affairs, If any alteration has been made by the French Government in the rule which compels a British subject to show a passport on entering France from Italy?

MR. BOURKE: The Foreign Office are not in possession of any information showing that any alteration has been made by the French Government in the matter of passports as concerns British subjects. The production of passports by British subjects entering France is not required by the French Government, and the Foreign Office have no official knowledge that they are required from such British subjects entering France from Italy.

NAVY—RETIRED NAVAL OFFICERS. QUESTION.

MR. P. A. TAYLOR asked the Secretary to the Admiralty, Whether retired Naval officers will, when called into active service, receive retired pay in addition to full pay; and, if not, what course will be taken in respect to officers who have commuted their retired pay; whether, in case of such retired officers being promoted, their promotion will be to the active or retired lists; whether, in the event of promotion being conferred on a retired officer for subsequent active service, he will, on his services being dispensed with, be entitled to the retired pay of the superior rank; whether subsequent active service will be allowed for increase of retired pay, the regulation of 1870 notwithstanding; and, whether the Admiralty will, at an early period, issue instructions on these and other points connected with the employment of retired officers in the active service of the Fleet?

MR. A. F. EGERTON, in reply, said, that retired naval officers could only be called into active service in accordance with an Order in Council. If it should be necessary to issue such an Order in Council its terms would settle the various points which might be raised in relation to pay and promotion. He understood that the terms of the Order had not been settled; and, of course, if it should be necessary to issue it, it would require very careful consideration.

CRIMINAL LAW—CONVEYANCE OF PRISONERS.—QUESTION.

MR. PAGET asked the Secretary of State for the Home Department, Whether the expenses incurred in conveyance to gaol (to and fro) of prisoners remanded or of prisoners summarily convicted will in future be a charge on the County Rate, or whether such expenses will be repaid by the Treasury?

MR. ASSHETON CROSS, in reply, said, the expenses referred to by the hon. Member would in future be borne as hitherto as police expenses by the county. The expense of conveyance of prisoners committed for trial to the assizes or quarter sessions from the gaol and from the place where they might be convicted to the gaol again would be borne by the Government.

NAVY—THE NEW NAVAL COLLEGE—DARTMOUTH.—QUESTION.

SIR H. DRUMMOND WOLFF asked the Secretary to the Admiralty, If he will produce the text of the option given to the Admiralty till the end of the Session for the purchase of the Mount Boon site, alluded to in the answer given by him on the 10th instant?

MR. A. F. EGERTON, in reply, said, that, as he had already stated, the option was given to the Admiralty verbally by Mr. Edmund Augustus Smith, the receiver of the estate, and was afterwards confirmed by letters, which he would read to the House.

SIR H. DRUMMOND WOLFF: Is the hon. Gentleman prepared to lay them upon the Table?

MR. A. F. EGERTON: I do not think it is necessary to lay them upon the Table.

SIR H. DRUMMOND WOLFF: Then, I object to their being read unless they are to be laid upon the Table.

MR. A. F. EGERTON explained that there would be no objection to lay the letters upon the Table if they were moved for, but he did not think the House would deem it necessary. The first letter, which was signed "E. J. Smith," and dated March 19, 1875, stated that the purchase of a portion of the estate of Mount Boon for the erection of a Naval College had been before the Master of the Rolls on the previous day, and the writer was authorized to

negotiate the sale, which he proceeded to do, offering the land at the rate of £200 per acre. The next letter was addressed to Mr. Lambert, Private Secretary to the Civil Lord of the Admiralty, and was dated the 31st of May, 1877. It was as follows:—

"As the Dartmouth site was, so it is, and so it will be. The Master of the Rolls gave his sanction to the negotiations, and so it remains."

THE COLORADO BEETLE.—QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If the Irish Executive are at present possessed of the legal powers requisite to give effect to any course which may be considered advisable for stamping out the Colorado beetle, should it appear in Ireland; and, if not, does he intend to bring in any Bill or take a Vote in Supply this Session to further this object?

SIR MICHAEL HICKS-BEACH: If any expenditure on the part of the Government should be rendered necessary by the appearance of the Colorado beetle in Ireland, I have no doubt that Parliament would readily vote it; but there appears no reason for taking a Vote in Supply this Session for the purpose, nor do I think that further legal powers are required. I may state that the story which has appeared in the public journals, that this beetle has been found on the quays in Dublin, is not true. The insect which was found has been seen by Professor Ferguson and other gentlemen, and I am informed that it is not a true beetle, and is more than double the size of the Colorado beetle, which it in no way resembles.

PERU—THE PERUVIAN IRON-CLAD "HUASCAR."—QUESTION.

CAPTAIN PIM asked the Secretary to the Admiralty, Whether the Admiralty have received any reports or accounts from Admiral de Horsey in respect to the encounter between Her Majesty's ships "Shah" and "Amethyst" and the Peruvian Ironclad "Huascar;" and, if so, whether he has any objection to lay such reports or accounts upon the Table of the House?

MR. A. F. EGERTON, in reply, said, the Reports from Admiral de Horsey relating to this subject had been received at the Admiralty, either last night or this morning. They were very volumi-

nous; and until they had been considered it would be premature to say whether they could be laid on the Table.

NAVY—H.M.S. "INFLEXIBLE."

QUESTION.

CAPTAIN PIM asked the Secretary to the Admiralty, Whether he will add to the Return, Navy (H.M.S. "Inflexible"), No. 295, 1877, the curve of stability, with the Report, dated 23rd August 1870, of H.M.S. "Captain," with the curves e, f, and g of H.M.S. "Inflexible" set out thereon to the same scales; also the Letter of the late Chief Constructor, dated 23rd August, published in the "Times," 24th August 1870, and the submission of the late Controller, dated 24th August 1870, respecting the stability of H.M.S. "Captain?"

MR. A. F. EGERTON, in reply, said, that as the question raised with regard to the *Inflexible* was about to be referred to an Admiralty Committee, he did not propose to lay any further Papers relating to the ship on the Table. Moreover, he thought it undesirable to add to the Papers which had been presented on the subject of the *Inflexible* any Papers relating to the *Captain*.

UNITED STATES—THE PHILADELPHIA EXHIBITION—THE REPORT.

QUESTION.

SIR HENRY HAVELOCK (for Mr. PALMER) asked the Vice President of the Council, When the Report of the Philadelphia Exhibition will be in the hands of Members?

VISCOUNT SANDON: Originally a limited number only of the Report was printed, and was only supplied to hon. Members who asked for it; but I heard so much interest expressed on the subject that some time back I desired that a copy should be sent to every Member, and I am informed that we may expect them to be delivered within a week.

THE BURIALS QUESTION.

NOTICE OF MOTION WITHDRAWN.

MR. HUSSEY VIVIAN asked the hon. and learned Member for Denbighshire, Whether he intends to proceed with his Motion on the Burials Question on Tuesday or during the present Session?

MR. OSBORNE MORGAN, in reply, said, he had been most anxious to bring on the Motion, particularly now that so much additional light had been thrown on the subject by the Returns moved for two years ago, but only just presented, relating to burial places. But the competition for places on Tuesdays and Fridays had been so keen that the first day he could obtain was Tuesday next, and then six hon. Members had precedence. He had hoped, thanks to the kindness of some hon. Gentlemen who had precedence of him, that he should be able to bring the subject before the House on Tuesday next, but in that hope he was disappointed. He was, therefore, compelled to withdraw his Motion simply because there was not the slightest chance of bringing it on. But he begged to give Notice that he would take the earliest opportunity next Session of bringing the whole subject before the House.

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

QUESTION.

MR. RICHARD SMYTH asked Mr. Chancellor of the Exchequer, If he will state to the House what further steps Her Majesty's Government propose to take with a view to the early settlement of the question of Sunday Closing in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I should be very happy to state anything that I was able to do, but I am not able to say that Her Majesty's Government can see their way to make any further proposal. If, consistently with attention to other Business, they are able to get the Bill discussed, and if it should come on for further discussion, they will, of course, be ready to take part in it. My right hon. Friend (Sir Michael Hicks-Beach) has given Notice of the Amendments which he will propose in Committee. Beyond that I do not think there is anything more to be said at present.

MR. SULLIVAN said, he wished to make some observations with reference to the Answer which had been given by the Chancellor of the Exchequer to the hon. Member for Londonderry, and he would conclude with a Motion. He wished to complain of the action of the Government upon the Irish Sunday

Closing Bill, and to put it very strongly to the Chancellor of the Exchequer how far he would consider it fair to throw upon the hon. Member the responsibility of further conducting the measure through the House. The Government had taken away from the supporters of the measure the position which they were in in April last of pushing the Bill through the House. The Government having on the 12th of February, by sending the Bill before a Select Committee, assumed the responsibility of its further conduct, they had no right now to throw back at the end of the Session that responsibility on his hon. Friend, or to extricate themselves from that responsibility. He felt justified in complaining that the Government sent the Bill before a Select Committee at a time when it was perfectly well known that, unless the Government took upon themselves the responsibility of the Bill, it must be defeated. He would prefer to assume that the Government had acted in good faith on that occasion; but, were he not prevented by the Forms of the House from referring to anything which passed in a debate during the present Session, he might cite the words of the Chief Secretary to show—and he virtually gave the supporters of the Bill a solemn pledge—that if they took that course the prospects of the Bill would not suffer in regard to its passage through the House. He (the Chief Secretary for Ireland) desired to obtain information from public officials in certain towns as to the practicability of carrying out the provisions of the Bill. If he had no intention of changing his own mind upon the Report of the evidence of the Committee, he had no need to take from February until May for such a purpose; but when the Chief Secretary found that the Committee reported in favour of the Bill, then he took up the position he had assumed before the Committee was appointed at all, and showed that, as an official, he did not care a jot for the Report of the Committee, and that they had just lost so many months upstairs. Now, he (Mr. Sullivan) asked the Chancellor of the Exchequer, having regard to the decision of that House, and to the large majorities by which the Bill was carried—having regard to the fact that he had virtually, according to all Parliamentary procedure, taken the Bill out of the hands of its promoters, he asked, in the

face of the House, how he could thrust this Bill on his hon. Friend the Member for Londonderry, and allow it to be strangled by a party so small—he did not mean with reference to the measure of their language—so small numerically, he repeated, as to be almost lost sight of in the general concurrence of opinion on this Bill. The Government either meant this Bill well or they did not. If the Government wished to settle this question, which had become a source of grievous agitation in Ireland, they could do so. If they did not, let them declare that they have been overpowered by their 13 Friends among the Irish Members. Then he could understand their position. If those 13 Members had defeated Her Majesty's Ministers, it was not for him to quarrel with that. He should not object to hon. Members taking any course they deemed best in the interests of their country. He had his own strong opinion upon many questions, and he should be the last to quarrel because hon. Members differed from him. What he did say was—Let the Government tell them frankly that they had been conquered, or let them say that secretly they felt that 13 Members had been doing their work. He feared the Treasury Bench rejoiced and were glad that they had these 13 Members to save them from the odious work of strangling the Bill, and that the 13 had been playing the game of the Government by rescuing them from a most embarrassing position, having men sitting behind them whose consciences revolted from pursuing such a course. As far as the fortunes of the measure were concerned—he would not then touch its merits—it was the case of the Sibylline leaves. Last year the Government offered to accept the Bill, omitting from its operation all towns whose populations exceeded 10,000; but an hon. Member (Mr. Callan) talked out the measure, and it was defeated. This year the Government only proposed to exempt five large cities, but the Committee overruled that point. Next year public opinion would demand that a much smaller concession in the shape of exemption should be made to the opponents of the Bill; so that the Irish minority below the Gangway would find that by the talking-out process they had gained nothing but a little time. But the Government had much to gain or

loss as regarded their character before the country. This was no Party question or political issue. A great moral issue was involved. He asked, had the Government acted frankly, honourably, and in good faith in sending the Bill upstairs so early as the month of February to waste the best part of the Session, and then at the end of the year saying to his hon. Friend that he must take the chances of a struggle with other Business to pursue the conduct of the Bill? The hon. Member concluded by moving the adjournment of the House.

Motion made, and Question proposed,
 "That this House do now adjourn."—
 (*Mr. Sullivan.*)

THE CHANCELLOR OF THE EXCHEQUER: I hope I shall not be transgressing the Rules or going against the feeling of the House if I point out that the Motion for Adjournment at this moment, and for such a purpose as that intended by the hon. and learned Gentleman who moved it, is highly inconvenient. It is a practice which the House should be rather jealous of sanctioning, except in cases of necessity. With regard to the complaint involved in the Question put by the hon. and learned Gentleman, I cannot at all admit that there is any real justification for the charge which he has openly brought, and for the charge which—if I may use the word inoffensively—he insinuated against us. He, in the first place, charged us with having wasted a great deal of time which should have been, and might have been, made use of by the promoters of the Bill in carrying forward the measure; and he put a question to us in a manner which justifies me in saying that it amounts to an insinuation that we may have been in some sort of complicity or private arrangement with the Gentlemen who oppose this Bill. [*Mr. SULLIVAN dissented.*] The hon. and learned Member disavows any such intention. I am glad that he has done so. I do not think it would have been consistent with his character to make any such charge; but the language which he used impresses one with the idea that he wishes to know whether or not we were in some sort of private collusion with the opponents of the Bill, which is hardly a charge that ought to be brought against Her Majesty's Government.

With regard to this Bill, I must entirely deny the position which the hon. and learned Member endeavours to take up. It is perfectly true, as he has said, that the Bill was introduced early in the Session; and he went on to observe that the Government virtually took it out of the hands of the promoters when they sent it to a Select Committee, the consequence of which was that a great deal of valuable time had been lost, while if the Bill had been left in the hands of the promoters it would during that time have made considerable progress. He alleges, therefore, that the Government had assumed some sort of responsibility with respect to the Bill which justified him in calling on them to take it up as a Government measure. Now, that is not, as I understand the matter, what took place. When the second reading of the Bill was proposed, the Government did all it could to afford a fair chance of full and free discussion. The promoters themselves could only have brought on the Bill in the first instance on a Wednesday. Had it been met then with the sort of opposition it has more recently encountered, it was highly improbable that they could have carried the second reading against that opposition. And, moreover, the course the Government would have taken in the matter would have been a different course from that which they took, unless the Bill had been sent up to a Select Committee. If the question remained as it stood on the second reading, and no Select Committee had been proposed, the Government would have felt themselves bound to have obtained a much larger discussion than that which took place both then and possibly at future stages of the Bill. What was done was this:—The Bill, at the suggestion of the Government, was read a second time, and advantage was given to the promoters of the Bill by getting it through that important stage. It was then sent to a Select Committee. Therefore the proceedings of the Representatives of the Government were open and *bona fide*, and were not calculated to delay the Bill. They endeavoured in the course of the Inquiry to elicit such opinions as would guide themselves and others; and if a long time was spent in discussion before Committee, perhaps the hon. and learned Member may be himself held responsible for it, for he

put a great many questions to the witnesses who were examined, which he was perfectly right and justified in doing, considering the great importance of the question. But if these questions were necessary, it showed that there was in no degree any needless waste of time, or anything but fair and *bond fide* discussion. Assuming that all these inquiries were necessary, what happened then? The Bill came down here, and without some kind of assistance from the Government it could hardly have been brought on with any hope of being passed this Session. The Government being appealed to, said they would be ready to do what they reasonably could to bring on the Bill for discussion. In concert with the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), one day was given for the discussion, and, afterwards, by an arrangement of the Government Business, another day was given for the same purpose. It is true both days were Morning Sittings; but the promoters of the Bill could only have commanded Wednesdays, and if it had been intended to meet the Bill with very long discussions they would have been in no better position than they now stand. As it is, they have secured a fair discussion. There has been a full inquiry; the whole case has been very elaborately laid before the House, and the Government are prepared, when the discussion of the Bill is renewed, to proceed on the same lines as I have indicated just now—namely, to support the Amendments of which Notice has been given. Our conduct has been perfectly straightforward, and I do not think there is any ground for complaint against us. The hon. and learned Member says there are only 13 Irish Members opposed to the Bill. I do not know how that may be. The Bill has been discussed at two Morning Sittings. On the first occasion 12 Members spoke, all of whom were Irish except the hon. and learned Member for Sheffield (Mr. Roebuck), three speaking for and nine against the Bill; and on the second occasion 11 Irish Members spoke, five for the Bill and six against it. I do not doubt that a large majority of the Irish Members support the Bill; but measures of this sort are fair subjects for discussion, and we could hardly venture to get up and say that hon. Members who felt strongly on the subject had not a right

to do what they had done in Opposition to the measure. I should myself prefer that we had less of those long speeches and less of discussion that prevents decisions; but, under the circumstances, I do not know that there is any special reason for complaint against the Members who have taken the part they have done. I will not accept any such responsibility as the hon. and learned Member would throw upon us, and I do not think we are liable to any censure for the course we have taken.

Mr. MELDON quite agreed that it was a most exceptional course to move the adjournment of the House. He thought he could satisfy the House as to the causes which had led to the "dead-lock" at which they had now arrived. He thought the Government had fallen into error in not taking up the Bill. It was a measure called for by the almost unanimous voice of Ireland ["No, no!"] Well, that was a question which he was not now disposed to discuss. The question was one on which they had 13 Irish Members voting one way and the entire of the other Irish Members present voting the other. They had the entire Irish Press in favour of the Bill. He held that the Bill was required by the almost unanimous voice of Ireland. He thought that the charge against the Government of having given, while they professed a support, only a half-hearted support to the Bill was true. The Government had left the question in the hands of a private Member; and were it not for the opposition of the Government the measure would have been carried last Session. This year they referred it to a Select Committee on one point only, the exemption of five large towns; and, that having been decided against the Chief Secretary by the Select Committee, he had now given Notice of Amendments, the object of which was to reverse the decision of the Select Committee. He (Mr. Meldos) held that the supporters of the Bill had a right to complain of the conduct of the Government in not facilitating the progress of the Bill. The supporters of the Bill asked for a day for the discussion of it; but the Government, instead of giving them an ordinary Evening Sitting, chose a day Sitting, when they knew that the Bill could be talked out. On those grounds he maintained that the Government was responsible, and in

a matter on which there was such strong feeling the Government were to blame, and they should have given the advocates of the measure precedence over all other Members. ["Oh, oh!"] He said yes, for the measure was of more importance than any they would carry this Session.

THE MARQUESS OF HARTINGTON: I agree with the right hon. Gentleman the Chancellor of the Exchequer that it is not convenient that opportunities of this kind should be taken or made for discussing questions of this nature, especially as the time is not far distant when a more legitimate opportunity will arise for discussing the conduct of the Government in regard to the legislation of the whole Session. I agree with the Chancellor of the Exchequer that the Government are not open to the imputations that have been cast on them by the hon. and learned Member for Louth (Mr. Sullivan). I do not think the hon. and learned Member can justly accuse them of having been the sole cause of the failure of this Bill. Every Member must be perfectly aware that a Bill promoted by a private Member, if it meets with any opposition at all, has very little chance of success. Every Member must be aware that a Bill opposed in the manner in which this Bill has been, although by a very small minority, has absolutely no chance of success; and it is not just, therefore, to say that the Government have interfered with the success of the Bill. But I hoped the Chancellor of the Exchequer would have informed the House that the Government, if they did not take up the measure this Session, would be prepared to deal with the subject next year. The position which they occupy with regard to this measure is extremely anomalous. They did not give to the Bill the support they would give by making it a Government measure. At the same time, they did not oppose the Bill. They had voted for the second reading, and they had given a sort of qualified support to the Bill by devoting some portion of the Government time to it; and if this sort of thing is to be continued next Session exactly the same result would follow. The time of the House would be wasted, and great discontent would ensue, by allowing an important subject, in which the people of Ireland feel so deep an interest, to be treated in that manner.

If the Government do not give a more hearty support to the Bill than they have already given it, they must be perfectly aware that they are inviting that kind of opposition which would prevent the passing of the measure. At the same time, they do not appear to have the courage to say that the Bill is one of which they disapprove, and which ought not be passed, and they leave it an open question and in a most unsatisfactory position. I hope that before the end of the Session the Government will be prepared to say that next Session either they will give the Bill hearty official support, or that they will be prepared to deal with the matter themselves.

MR. M'CARTHY DOWNING said, he rose to say he thought it would be extremely unwise for Government to give any pledge with regard to another Session; for this he could say of his own knowledge—that a very extraordinary change of opinion had taken place not only in that House, among Irish Members, but in the country itself; and that many of those Irish Members who voted for the second reading of this Bill this Session would be found, if a similar vote were brought forward again, to vote against it. He was perfectly disinterested in that question. Indeed, if he had had a strong feeling on the subject at all, it would be that his constituents, as a whole, were in favour of the Bill; but after hearing the evidence that was given before the Select Committee, he declared that he was prepared to vote, even in defiance of his constituents, against the Bill as it stood. He was sure that if the feeling of the people of Ireland could be ascertained it would be found to be not in favour of the Bill. He believed that in Ireland the general desire would be for a shortening of the hours on Sunday, and also on Saturday, and that the houses should not be bound to close entirely. He believed that in the next Session of Parliament it would be seen that scarcely a single parish in Ireland would send up a Petition in favour of entire closing on Sundays. Having said that, he wished to relieve himself from the imputation of any inconsistency in his action in reference to this matter. He was totally opposed to entire Sunday closing, and his conduct in reference to the Bill had been in perfect consistence with his holding that opinion.

SIR WILFRID LAWSON observed that actions spoke louder than words, and if the hon. Member for Cork (Mr. Downing) believed that Irish opinion was such as he had represented it to be, he wished to know—he wanted to know—how it was that he did not allow the House to go to a division when the Bill was last under consideration? The opponents of the Bill were repeatedly challenged to go to a division, but they preferred talking the Bill out. Perhaps he might here be allowed to say a word or two on the Question of Adjournment. ["Oh!"] He knew it was not a popular Question; and he was glad, indeed, to hear the noble Marquess the Leader of the Opposition say just now that he intended endeavouring to obtain a day on which the conduct of the Government during the present Session might be taken into consideration. When that day came the course they had pursued on this Bill would hold a very prominent place in the discussion. He did not know that the noble Marquess would be able to get a day, but he hoped they would be able to have that discussion. He (Sir Wilfrid Lawson) had had something to do with the Bill in discussions upon it in its earlier stages; and he was partly concerned, also, in bringing the House into its present position in reference to it. The House would remember that when the Chancellor of the Exchequer made a proposition to the House on the subject, it was that he (Sir Wilfrid Lawson) should give up the day which by the chances of the ballot he had got for another Bill. The House would remember that he was suspicious, and that he did not like the right hon. Gentleman's offer. He deemed him to have given a promise that he would take up the Bill, and that the Government would take care that it should be carried through the House. He must say, however, that the right hon. Gentleman did not absolutely say either that the Government would take up the Bill or that it would not. The right hon. Baronet, however, promised to give up Tuesday morning, in addition to the Wednesday which he (Sir Wilfrid Lawson) had given up; but having done that, the right hon. Gentleman was not justified in saying he had given the hon. Member for Londonderry (Mr. R. Smyth) a day. And there lay the whole point. He had only given him half-a-day, and this

was the weak point of the whole arrangement; for the 13 opponents of the Bill knew very well that if a Morning Sitting were given they could talk out the Bill; whereas, if a whole working day were given for the discussion, they knew from past experience that the Sitting might be prolonged until 7 in the morning. He could refer to the words, too, of the right hon. Gentleman the Chief Secretary for Ireland on the same occasion. He said he was as earnest in the support of the Bill as the hon. Member for Londonderry himself; that he had no wish whatever to delay the progress of the Bill; and that he had every reason to be assured that the inquiry by the Committee might be completed before Easter.

MR. J. R. YORKE rose to Order. I wish to know, Sir, whether the hon. Gentleman is in order in alluding to a debate which has taken place this Session?

MR. SPEAKER: The hon. Member, in referring to debates in the present Session is not in order.

SIR WILFRID LAWSON said, he begged pardon of the House for having transgressed the Rules. He knew, however, the words which the right hon. Gentleman used; and, if the division on that occasion were referred to, it would be found there were only five Irish Members, five English brewers, and 15 miscellaneous English Members. ["No!"] If necessary, he could prove his words. The Amendment proposed to be made in the Bill was that certain exemptions should be provided for in it. That was a matter for the Committee, and yet 13 Irish Members would not allow the question to be discussed, nor the Government to be placed in a position to bring forward the Amendment they proposed to introduce into the Bill. It appeared to him that such a course was worthy of the name of obstruction. They had heard several times of three or four Irish Members opposing more than 100 successfully; but it was only a question of degree, for they saw these 13 Members resisting 200. He said that the House and the Government were not in a dignified position on this question. They had allowed themselves to be deluded; and if the Chancellor of the Exchequer gave in to such tactics, all he could say of him was, that in that House he would

be the principal supporter of faction, and the patron of obstruction.

SIR PATRICK O'BRIEN said, he ventured for the second time to express an opinion on this question. He had been told he was an advocate of obstruction when, for the space of 20 minutes, he occupied the time of the House with the remarks he had to make on this subject; and he said that if such a speech was to be so called, there was an end of representative government. Was he to be charged with obstruction by an hon. Baronet who every year spun the same yarn over and over again, varied as it was by being sometimes less and sometimes more amusing? He had often heard his hon. Friend the Member for Carlisle described as a "funny fellow," though he should not have ventured to speak of him so but that he believed the term was applied to his hon. Friend the Member for Tralee (the O'Donoghue); but he thought the funniest thing the hon. Member for Carlisle had ever done was to taunt one or two Irish Members who, on a subject of the deepest practical interest in Ireland, ventured to speak upon it for a quarter of an hour, when they did so for the first time after having, as he had done, occupied a seat in that House for 25 years, while the hon. Baronet treated the House every year to an hour and a half's disquisition on a cognate subject. He rose, moreover, for the purpose of making an observation, which he thought was of some importance. Since the discussion on Tuesday last reports of the proceedings in that House had reached his own part of the country. He was an independent Member, and was neither a Member of the late nor present Government. Nor was he a Press Member, and therefore he was unrepresented as to the statements he had made. He had nevertheless been called to account lately by certain persons in his county who were connected with a local *Vehmgericht* called a Sunday Closing Association, and asked to explain some passages in a speech which, with the most powerful microscope he had been able to procure in London, he could not discover that he had ever made. The fact was, that if you were not connected with some great Party, or did not possess much greater eloquence than he could pretend to, you got no report in the London journals. They found advertisements more profit-

able. In the Irish journals, if you did not perform the *kotow* to particular gentlemen who were known as the London correspondents of the Irish papers—a thing he should never think of doing—your speech was unreported. In these circumstances, he had better explain the speech that was unreported, because that was the shortest way of replying to his constituents.

MR. SPEAKER: The hon. Member is out of Order in referring to a former debate.

SIR PATRICK O'BRIEN said, he accepted the right hon. Gentleman's ruling, but wished to say he had done nothing whatever tending to prevent a division being taken on the Bill under consideration. To such an assertion he desired to give an emphatic contradiction. He wanted to ask the Government, however, to undertake to bring in a Bill reducing the hours of sale on Saturday night, and imposing restrictions as regarded Sunday. If the Government would bring in such a Bill next Session he ventured to think it would command general support in the House and in the country, though it might not satisfy the *Vehmgericht* and those who held Sabbatarian opinions, and that it would pass through Parliament without being delayed by having to go through the ordeal of an inquiry by a Select Committee. Such a Bill, too, would accomplish what was necessary without injuring the interests of humble people in various parts of the country.

MR. CALLAN said, he was not surprised at the heat exhibited by the hon. and learned Member for Kildare (Mr. Meldon), or at the bitterness exhibited by the hon. and learned Member for Louth (Mr. Sullivan), on that question. He had heard of the phrase "dying on the floor of the House," but he believed this was the first time the charge had been brought against a number of hon. Members that they had set to themselves the task of "choking the voice of their country on the floor of that House." The voice of the country was shown by the Petitions in favour of the Bill. There were 150,000 Petitions in favour of it, and 40,000 against it. Subsequently the proportion was 49,000 to 23,000, or two to one. The hon. and learned Member, in a speech made in order to shake the evidence given before the Committee, said—

MR. SPEAKER interposed: Such a quotation would not be in Order.

MR. CALLAN said, he would not quote; but the hon. and learned Member at Exeter Hall had said the Bill was only opposed by "the 11 of all Ireland." He (Mr. Callan) remembered a happy historical occasion when there was another "11 of all Ireland," and when the hon. and learned Member described him as the "sublimated quintessence of a brick." There were 59 Home Rulers in the House: was the hon. and learned Member sure that all of them were in favour of the Bill? Were the Members not Home Rulers in its favour? How many of the Irish Conservative Members were in its favour? The hon. and learned Member, addressing a small meeting of his constituents, said—"I am not in favour—"

MR. SPEAKER again interposed on a point of Order.

MR. CALLAN merely wished to say that the hon. and learned Member had avowed he was not in favour of State compulsion apart from local action. He would suggest to the hon. and learned Member for Louth, the hon. Baronet the Member for Carlisle, and their satellites, during the Recess to take the advice of the Apostle Paul to Timothy—"Drink no more water, but take a little wine for thy stomach's sake, and for thine often infirmities."

MR. RICHARD SMYTH said, it was not his intention to prolong the discussion upon the question. He was very glad it had taken place for two reasons. It had, in the first place, defined the position which the Government had taken up on the Bill. They had fallen back in the position they held a year and a-half ago. In the second place, he was glad because it had enabled the noble Marquess (the Marquess of Hartington) to make a suggestion on the subject which entirely accorded with his own wishes and desires. If the Government had announced that they were prepared to deal with this question, not in the sense of that Bill, but on their own responsibility, he should certainly not, on his own responsibility, have pursued the matter any further. But they had receded from the position they took up at the commencement of the Session. The Bill had, in fact, been thrown back two years, and he must begin the fight again. He would have

to take the opinion of the House, not on the Bill, but against the Government. It was therefore his intention, if a day for that purpose could be found in the remainder of this Session, to test this opinion by submitting a Motion on the subject. If he could not bring it on this Session, then he gave Notice that he would at the very earliest moment next Session move—

"That the course pursued by Her Majesty's Government with reference to the Sale of Intoxicating Liquors on Sunday (Ireland) Bill is such as to warrant the expectation that Her Majesty's Government will, in the public interest, adopt early and effective means for bringing about a settlement of the question involved in this measure."

He made that announcement in order that hon. Members might be aware of the course he intended to take, and he trusted that whenever he was enabled to bring forward that Motion it would receive the unanimous support of the House.

MR. O'SULLIVAN remarked that several Motions for the adjournment of the House had been made this Session by the supporters of this Bill. If it was intended by the Motion of which the hon. Member had just given Notice to force the Government into passing this measure, he hoped the Government would do nothing of the kind. It was said at Exeter Hall that its only opponents were "the 11 of all Ireland;" but hon. Members should recollect that 18 Irish Members had already spoken against the Bill, and it must be remembered that the Bill affected not only the electors, but the non-electors as well. Their interests and opinions ought, in a matter like this, to be considered as well as those of electors, who it must not be assumed were all of one way of thinking. The contrary was the fact. Besides this, it was a question which never was brought before the country at the time of the General Election; and it was a fact that since the Bill was introduced a very large number of Irish Members who were formerly against the Bill had now been forced to support it against their own convictions.

MR. MAC CARTHY rose to Order. Was the hon. Member justified in stating that hon. Members acted in opposition to their own convictions?

MR. O'SULLIVAN said, he could give proofs of the fact. When the

second reading was about to be brought on, a meeting was called by a Committee of nine or 10 Members opposed to the Bill to consult as to the best means of opposing it. As soon as our Circular was issued a counter-Circular was sent to all the newspapers in Ireland, and to officials and leading public men, advising them to put pressure on their Representatives, and make them withdraw their opposition to the measure. These were sent to the leading men and supporters of the Members both in counties and in boroughs. Well-paid officials set the telegraph at work, and the result of this combined and organized pressure was what he had stated. He held in his hand a telegram from an hon. Member — ["Name!"] — he did not intend to name any hon. Member — who wrote —

"If I vote against the Bill I risk the loss of my most powerful supporters at the next Election. I am very sorry, but I must vote for the Bill against my own convictions."

That was a proof of the truth of his statement. He (Mr. O'Sullivan) fully believed that some of these Irish Members would lose their seats at the next Election. For himself, he did not depend upon a mere chance majority of 20 or 30 votes. He stood there as the Representative of more than one-half of the whole of his constituency. He was also the Representative of the people, and as such he opposed the proposal that Ireland should be dealt with in this way.

Mr. LAW contended that they were entitled to ask for some exposition of the policy of the Government. The question of Sunday closing had been on two occasions inquired into by a Committee of the House, and, in his opinion, no further information was wanted. Hon. Members could not but admit that there was a considerable amount of feeling in favour of this Bill on both sides of the House; and he thought it was exceedingly desirable that the appeal of the noble Lord the Leader of the Opposition should be acceded to by the Government. If the appeal should be rejected, he would be glad if the Government would tell the House what course they would take next Session, and whether they would then be prepared to pass a Sunday Closing Bill for Ireland or not?

Mr. M. T. BASS hoped, as the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had expressed his surprise at brewers voting against this Bill, the House would pardon him for saying a few words, although he might seem to have some prejudice on the subject. He had frequent and continuous correspondence with Ireland, which convinced him that the state of feeling there on this question had been entirely misapprehended. ["No, no!"] Well, he believed that to be the fact. He thought it would be most imprudent for the Government at this moment to support the Bill. Let them wait till next Session, and then they would hear what the real opinion of the people of Ireland was on this subject, and if they wanted prohibition, let them have it. He believed the opinion of Ireland to be entirely the other way.

Mr. CHARLES LEWIS said, if this debate was prolonged they must think that bold statements made great opponents of the Bill. Last Session a similar statement was made as to the opinion of the people of Ireland, and they found that that statement was immediately followed up by a meeting of publicans in Dublin and £2,000 subscribed for the purpose of fostering an expression of the people of Ireland on this subject. They had seen what the result had been. Because three or four hon. Members who had previously supported this measure were said to be prepared to vote against it in future for some reasons which they did not explain, the House was asked to believe that the opinion of Ireland had changed on this matter. He had no doubt that this question must stand over till another Session. They would then be able to judge of the value of the statements that the opinion not only of Irish Members, but of the Irish people had changed on the subject. As to the conduct of the Government in the matter, he had only to say they paid no regard whatever to the wishes or feelings of the Conservative Members from Ireland. He was quite aware of the fact that those Members were not, as a rule, a very united body; but on this particular subject they happened to be a very united body. With the exception of the official Members of the Conservative Party, he thought he might say they were almost unanimously in favour of this Bill. He believed that in that re-

spect they represented not only the Conservative portion of the constituencies in the North of Ireland especially, but also the combined respectable opinion of the whole of Ireland. [*Laughter.*] It was very easy for hon. Members to laugh, but he was perfectly prepared to abide by his statement, and he did not believe that another £2,000 subscribed by the publicans would in any way affect the ultimate success of the Bill. The conduct of the Government on this subject had been such as to cause the greatest dissatisfaction and sorrow to their supporters in Ireland, who regarded their action as one of shilly-shallying which they did not understand.

MR. MURPHY remarked that he had never known a Bill at its commencement receive so much encouragement from the Government as had been accorded to this, for at the beginning of the Session they allowed the postponement of two Bills so that this Bill might be read a second time. He reminded the House that this question of Sunday closing was not raised by the people of Ireland, and that it was abundantly proved by the evidence given before the Select Committee that they did not require it. He complained that the inquiry which had taken place was a fragmentary inquiry, and that it should have been limited to five towns, and not to the whole of Ireland. He had received many communications since the first day's debate from gentlemen who wrote that they were astonished at the evidence which had been produced before the House, and that they would no longer support the Bill. It had been, however, a most providential fact that the Committee sat, for he would tell the House that between this and the next Session evidence would be forthcoming from the bone and sinew of Ireland; for men who were not voters, and who could not therefore influence the action of their Members, would come forward in their thousands to protest against it. The Government had deliberately gone out of their way on three different occasions to support the promoters of this Bill; but he thought that when next Session arrived it would be sufficient time for them to declare an expression of their opinion on the subject. But if the Government thought this question of such great importance as had been alleged, then let them make further

inquiry and bring in a Bill dealing with it. He would ask any hon. Member if the late discussion on the Bill was a perfunctory one. Facts and figures never used before were adduced, new arguments were employed, and a new view of the case presented. There was no intention to waste the time of the House by unnecessary eloquence. It had been asserted that this measure had received the unanimous approval of the Irish people; but it was a remarkable fact, as indicating the feeling of the Irish people upon the subject, that since the first day's debate not a single Petition had been presented from the working classes, and not a single public meeting had been held in its favour. The truth was that the whole agitation on this subject had been got up by parties utterly unconnected with the great bulk of the people, and the effect of such a measure would be to deprive the working men of their just rights.

MR. MACARTNEY explained that the reason why the majority of the speakers on this Bill had opposed it was that those who were in favour of it were not anxious to assist them in talking it out.

THE O'DONOGHUE thought that the opinion of the Irish people had not been fairly represented on this subject. While there had been great enthusiasm and excitement on the part of the promoters of this Bill, no motion whatever had been made by the great body of the people in favour of the measure. The policy which had always been pursued by the Imperial Parliament had led the Irish people to believe that it would give them not what they desired, but what it thought was good for them; and, consequently, the idea never entered their heads that Parliament would give them that to which it and Her Majesty's present Government especially were opposed. He hoped, therefore, that time would be allowed to the Irish people to speak their minds on this question.

MAJOR O'GORMAN hoped that after the Government had given one opportunity of discussing this Bill they would not place another day at the disposal of the promoters. Every opportunity had been given, and everything that could be wished for had been done, for those dismal Sabbatarians.

Mr. Charles Lewis

MR. T. DICKSON said, no change of feeling on the part of the people of Ireland had taken place. Every Session the feeling of the people of Ireland was more and more in favour of the Bill.

Question put, and *negatived*.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

INLAND NAVIGATION (IRELAND)— BALLINAMORE CANAL.

OBSERVATIONS.

CAPTAIN O'BEIRNE rose to call attention to the incomplete state in which the Ballinamore Canal had been left by the Irish Board of Works since 1860. The Canal was 39 miles long, and the original intention of its construction was to connect Lough Erne and the Shannon, and thereby bring several seaports into communication with many places. He would suggest that an inquiry into the condition of the Canal should be made by an independent engineer. In 1846 the Canal was taken up by the English Government, and in 1860 it was handed over to the trustees of four counties whose banks it bordered. From that date to this it had been totally unfit for commercial purposes, and thereby many miles of river traffic had been rendered entirely useless. There being no railway communication in the district, it was probable that if the Canal were placed in a proper condition there would be some 30 miles of traffic upon it, consisting of coal and other materials, which could be carried more cheaply by canal than it could otherwise. It might be said that the trustees had neglected their duty in not keeping the Canal in repair, but they could not raise the money. All that he asked for was an inquiry, which had been urgently requested by trustees of four counties and the Town Commissioners of Cavan and Enniskillen. The inquiry into the state of this Canal in 1859 and in 1873 by Commissioners of Public Works was well known to have been a sham and a mockery, as they inquired into the work they had themselves planned, mismanaged, and squandered money upon. It was well

known that the Board of Works had grossly neglected their duty. On the Ulster Canal a short time ago £1,200 had been spent, and a company of merchants proposed to carry their goods on the Canal to Lough Erne and Enniskillen, but they found that it was totally useless. Another glaring instance of their incompetency was the drainage of the River Shannon. It had been going on for 43 years, and yet it was in a disgraceful state. All he asked was inquiry, and this he hoped the Government would be able to grant.

SIR MICHAEL HICKS-BEACH said, that if he could see any useful purpose which would be served by the inquiry asked for he should be very ready to entertain the proposal, but that he had not heard anything from the hon. and gallant Gentleman to show that such would be the case unless the Government were almost to re-make the Canal at the public expense. The total cost of the Canal had already amounted to £284,000. The estimate was fixed in 1845 at £110,000, and in 1847 an addition was made which brought it up to more than £130,000, while in 1853 it had further increased to £242,000. In 1856 it was found that even for that sum the Canal as originally planned could not be completed, and therefore the works were to some extent reduced; but it was handed over to the trustees in a navigable condition in 1860. A Report, entering most fully into the details, was made by the engineers in 1859, and it was shown that it had been made navigable to 4 feet 6 inches instead of 5 feet 6 inches as in the original plan, and that the depth in the upper reaches would be obtained by keeping up the level. The whole question was then fully gone into, when it was clearly shown that the works could not possibly be completed on the original plan, and therefore it was proposed to reduce the charges on the district. Public notice was given of the proposed alterations; a meeting was convened on the subject, and the only objections made were those which came not from the counties interested, but from private individuals. The Canal was handed over to the trustees, subject to those alterations, in a state that would have permitted navigation if it had been properly kept up. Instead of charging the district for drainage and mill-power nearly £50,000, they charged them only

£25,000; and instead of £49,000, which it had been intended to charge for navigation, only £30,000 was charged for that purpose. The Treasury was saddled with a sum of nearly £225,000, as its share of the cost of completing the works. No objection was made by the trustees at the time when the Canal was handed over to them, and they proceeded to invite tenders from persons desirous of undertaking the navigation, but failed to obtain any. The result had been that the Canal was useless, no navigation had practically taken place on it, and it had been kept in repair solely as a drainage outlet since 1860. He had been lately asked to put some 15 miles of it into repair in order to accommodate the coal traffic from Lough Allan to Ballinamore; but he found that the cost of doing this would be some £4,000 or £5,000, and the trustees informed him that the navigation was not likely to pay for it, and it would be unfair to levy fresh charges upon the district. While the existing facilities for canal traffic in Ireland were not taken advantage of, was it worth while to expend a large sum of money in renewing the Canal in question? Except in the case of the canals, which were in the hands of railway companies, inland navigation in Ireland was almost entirely neglected. He had sailed for many miles over the splendid reaches of the River Shannon, and had hardly met a single boat. The hon. and gallant Member had blamed the Board of Works, but they could not be fairly blamed in this matter. No doubt some advantage might accrue from united management; and if any company or responsible body of persons willing to bind themselves together for the purpose of undertaking the management of these canals as one concern came to him and made a definite and reasonable proposal on the subject, he should gladly bring it under the consideration of the Treasury; but unless people in the districts principally interested were willing to contribute he could not see how Her Majesty's Government could incur any further expense.

THE O'CONOR DON, as Representative of one of the counties interested in this Canal, supported the proposal for an inquiry. The Canal was perfectly useless in its present condition, and he asked, whether the Treasury were prepared to allow all the money which had

been spent upon it to remain unproductive? So much money having been spent on the Canal, the Board of Works not having carried out the original plan, and no inquiry having yet been made as to the way in which the expenditure had been incurred, he thought the hon. and gallant Member was justified in asking that there should be some inquiry in order to show who was to blame for what had taken place, and with a view to some proposal for rendering the expenditure already incurred of some utility. If his hon. and gallant Friend would propose a Motion he should be happy to vote for it.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) £288,782, to complete the sum for Public Education, Scotland.

VISCOUNT SANDON said, that considering the interest that was taken in all educational matters in Scotland, it would be disrespectful in him not to state a few facts relating to the present state of education in that country, although he need not repeat some that were stated in the course of the discussion on the English Vote. There was an increase in this Vote of £50,500. The first cause was an increase in the cost of inspection, the Scotch Board having agreed with him in thinking that the schools ought to be better looked after. The sum of £34,000 was due to the natural increment of the grants, and £15,000 to an increase in the building grants. There was a considerable amount of building yet to be done, and it would be two years before the required buildings would be completed. In the year there had been an addition of 100 schools, with accommodation for 65,000 scholars, making the total accommodation 456,000, while there were 433,000 children on the books. An average of 329,000 showed that an approximation was being made to the desired proportion. Of course these figures were for a period long gone by, but he had that day obtained the Return for the last three months—from April to June, 1877. These Returns showed an increase in the average attendance of 23,300, and in the grant

Sir Michael Hicks-Beach

earned of £25,000, while the rate of grant had risen to 16s. 1½d. as compared with 15s. in 1876. The same three months showed an increase of 60 night schools, there being 260 as compared with 200 in 1875; an increase of 4,400 in the average attendance—15,000 as compared with 10,600; and an increase of 5,000 in the number present on inspection—14,000 as compared with 9,000. The supply of teachers seemed to be large, as there were a certificated and a pupil teacher for every 80 children in average attendance; so that the supply came up very much to what it was wished to be. He desired to notice what had been said as to the Scotch Code lowering Scotch education. In 1873 the Code was issued by his Predecessor as received from the Edinburgh Board of Education, which proposed grants for a class of subjects in advance of the ordinary curriculum of elementary schools, and the 21st article of the Code gave a greater choice of such subjects than even the Edinburgh Board proposed. In 1874, the first year of examination under this Code for the grants for specific higher subjects, only 4,407 were presented, and only 103, having passed Standard VI., took three of these higher subjects. In 1876, 18,760 were presented in higher subjects, and 793 took up three of the higher subjects, which was an exceedingly satisfactory result. If higher subjects had been so much taught formerly, why did not more at once take them up and pass? If higher subjects were disappearing, how were these increased numbers to be accounted for? The Board of Education reported that in 1876 there were 260,000 children in 1,338 public schools—with an average attendance of 150,000—receiving instruction in specific subjects, and of these 7,635 boys and 1,296 girls were taught Latin. There was great freedom in the choice of subjects, and it was easy to see what were the subjects preferred by the parents, who ought to be the ultimate judges of the subjects the study of which was to be encouraged by the State. The following were the numbers of scholars examined in the subjects named:—English literature, 10,000; physical geography, 8,800; Latin, 8,800; physiology, 3,000; mathematics, 1,196; French, 1,282; domestic economy, 783; magnetism and electricity, 631; botany, 363; light and heat,

223. This indicated what the popular feeling was as to these specific subjects. He should be loth to suppose that the Code was lowering the standard, and on this subject he would quote a few words from Dr. Fraser, a leading member of the Paisley Board, and one of the most distinguished "educationists" in Scotland. He wrote—

"It is contrary to fact that the present Code is lowering the range of intermediate education. During the 25 years of my connection in this town, more or less with all the schools, I never found half as many boys learning Latin as at present. In one of our board schools 90 boys are in Latin classes."

This was interesting testimony, which was well worth consideration. He would not speak now of the proposal made by the Universities as to the instruction of teachers, as the matter was referred to in the discussion on the English Vote. A great deal had been said in Scotland, and in England too, about the importance of preventing our system from degenerating into one of mere cram, and he would, therefore, call attention to the precaution taken to prevent this result. He had the greatest horror of cram, which would have a disastrous effect upon children, and through them upon the national character. It had lately been laid down that specific subjects must be in the time table for the whole year, and not merely for a few weeks. This was done because it had been found that there was a tendency on the part of clever teachers to run children through specific subjects in about six weeks, so that what they acquired was a little veneering rather than a solid acquaintance with the subject. It was further provided that a specific subject must be taken for the three years, which would prevent a scholar attempting to do a bit of Latin one year, a bit of botany another, and a bit of physical geography in the third. To prevent superficiality in any of the specific subjects various conditions were prescribed. In English literature, to discourage mere learning by rote, it was laid down that a student should be required to show his knowledge of the meaning of a passage and of the allusions contained in it; also that a passage should be paraphrased, and further that the student should write a letter or statement, the heads of the topics to be given by the Inspector. Very stringent

directions were given in notes to the schedules with the object of discouraging cram. One of these notes was as follows:—

"It is intended that the instruction of the scholars in the science subjects in this table shall be given mainly by experiment and illustration, and in the case of physical geography by observation of the phenomena presented in their own neighbourhood. If these subjects are taught to children by definition and verbal description, instead of by making them exercise their own powers of observation, they will be worthless as means of education. It cannot, therefore, be too strongly impressed on teachers that nothing like learning by rote will be accepted as sufficient for a grant, and that the examinations by the Inspectors will be directed to elicit from the scholars, as far as possible, in their own language the ideas they have formed of what they have seen."

The instructions to the Inspectors respecting history and geography was that the scholars should show special knowledge of any historical events or characters connected with the district in which their school is situated, and that the class examination will be conducted so as to show the intelligence and not the mere memory of the scholars. Another change had been made to relieve children of the hardships they were exposed to in traversing long distances between home and school in bad weather. It was provided that between the 1st of November and the 1st of March, two attendances might be registered for any scholar who had been under secular instruction for four hours, in the morning and afternoon taken together, of any day on which the school was open for five hours. Scotland still kept ahead of England both in the grants she earned and in the acquirements of her children, and he could only hope that Scotland might be tripped up by England—not by unfair means, but by the energy and determination of the English people.

MR. LYON PLAYFAIR congratulated the Committee and the noble Lord upon the satisfactory statement which he had been able to lay before them. It was very gratifying to find that the results of experience were showing how to remedy the evils of examination on specific higher subjects, such as those lately introduced into Scotland, which were an extension of those that had prevailed in the schools for a long time. There was another part of the subject on which the noble Lord had not given them any information. The Scotch

Education Act differed altogether from the English Education Act. In fact, it recognized secondary education as a part of the duty of the Act. Under its provisions 11 schools were set aside with a view to promote higher instruction in the country. Two other schools had been since added, and consequently 13 secondary schools were now in operation under the Education Act for Scotland. The intention of the Act was excellent; but the method in which the Act had operated had been that, instead of acting favourably to the schools, it had acted very injuriously, and for this reason—the endowments of these schools were extremely small, amounting at the time the Endowed Schools Commissioners reported to only £3,980. Five-sixths of the revenues were derived from the fees of the scholars, and consequently the schools had to spread their net to get in scholars in order to live at all. The result was that there had been a tendency under the Act to lower these establishments to the level of elementary schools, instead of keeping them apart as secondary schools. These schools had been required to make bricks without straw. The £3,980 distributed throughout the schools of Scotland was preposterously small as an endowment. Accordingly an Association, supported by private means, was formed in order to promote secondary education in Scotland, and a large deputation waited on the Home Secretary to point out to him how the present law acted injuriously upon these schools, and how impossible it was for the Association to promote secondary education, unless there was some legislation in regard to the endowments in Scotland. The educational endowments in Scotland were very large. A Royal Commission was instituted in 1872 to inquire into them, and its last Report, made in 1875, stated that they amounted to no less than £174,543 per annum. That was amply sufficient to put secondary education in Scotland into a most satisfactory condition, if the trustees of these establishments were allowed to reform their institutions. In 1869 an Act was passed for the purpose of enabling the educational establishments of Scotland to put themselves into a satisfactory condition, and under its provisions one body—the Merchants' Company—did reform their schools in an admirable manner. That Act, how-

ever, only remained in force for a year. Consequently there was now an Act which enabled endowments in England to be applied to proper purposes, whereas no such power existed in Scotland. The Home Secretary answered the deputation to the effect that the time had arrived when it was necessary to legislate for the educational endowments of Scotland; and he trusted the right hon. Gentleman would now be able to give them an assurance that next year the Government would take up the matter and legislate in such a manner as they might deem to be most in consonance with the information which had been brought to bear on the subject.

DR. CAMERON said, he thought the noble Lord had congratulated himself rather too much in view of the existing facts. There had doubtless been a great increase in the number of pupils presented in specific subjects; but that proved very little. Statistics, up to that time, had been utterly worthless. The noble Lord had enumerated the changes made in the Code this year. The object was very simple. It had been the habit of teachers, in order to get the greatest possible amount of grant with the least amount of trouble, to cram the pupil in the most elementary portion of two specific subjects in one year. Then, instead of proceeding with that subject, he passed on to another pair of subjects, and again presented a pupil, and so on, to the third year. In this way scholars were taught a smattering of half-a-dozen specific subjects; but statistics based on that system were really of no use. These statistics showed that 3,300 had been presented in Latin; but it did not show that any of these pupils had obtained useful knowledge. As to the system of cram, no one who had looked into the subject could doubt that precautions were taken not one moment too soon, for one Inspector after another had reported that the system of grants for specific subjects must give rise to a system of cram all round. The Department had laid down a rule that all specific subjects in which pupils were presented must be kept on the Time Table all the year round. Well, in English language and literature, all that was required was to get by heart 200 lines of poetry, and to paraphrase a certain passage. It was difficult to see how a teacher could pass the entire

year in teaching his scholars 200 lines of poetry. As a matter of fact, the children were crammed with that amount of poetry in two or three weeks. The introduction of a variety of subjects had given rise to all the trouble and the depreciation of Scottish education. As to physical geography, that was a science which would require very much more attention than could be given at school to render it of any practical use. The noble Lord had told them that French had been introduced. There was no doubt that if French were taught it would be of very much more utility than the instruction in the classics which was given at these schools. But only 1,200 students were presented for examination in French, and in by far the greater number of cases their knowledge of French consisted of the first rules of grammar, the regular verbs, and the first 10 pages of the vocabulary. The noble Lord did not say how many were presented in German. If, however, he remembered the statistics rightly, there were not 50; and how the noble Lord could congratulate himself upon introducing a number of these subjects he could not understand. The same thing was the case with botany. There were 300 presentations in that. It was no use to keep up special subjects for only 300 presentations. There was a more important matter to which the noble Lord did not refer, and that was the alteration that had taken place, he understood, in specific subjects and domestic economy. The noble Lord said that the number of girls examined in domestic economy was 783. Now, he understood it had been made compulsory to present every girl for examination in domestic economy. That would certainly effect a very great revolution in their present system, and a number of schoolmasters had complained to him on the subject. He did not know what domestic economy was as defined by the Education Department; but he had happened to see a number of questions which were put to the candidates on the subject, and some of them were utterly absurd. One, for instance, was—"Supposing you had £1,000 to invest, and wished to have some safe investment for it at 4½ per cent, where would you look for it?" Now that, no doubt, was a branch of education very necessary for persons who had money to invest; but

he thought it was wasted upon children in elementary schools. There were several points connected with the Scotch Code which he ventured to take this occasion of drawing the attention of the noble Lord to. In the first place, one Inspector after another had reported upon a very unsatisfactory state of education in the Highlands. That, to a very considerable extent, arose from Article 17, par. C, which provided that no grant should be given in the case of any school which did not provide at least 80 cubic feet of air internally, and 8 square feet of air for each child. Now, the result of that was that schools of that description could not be built; and the consequence was, that the schools in the poorest part of Scotland did not participate in the benefits of the Act. Several Inspectors had alluded to the matter, and one of them had pointed out, in what seemed to him to be a very common-sense manner, that those regulations as to space and room might be all very well in a crowded town, but that they might be dispensed with in the case of a school on a moorside or upon a hill. The matter had been brought before the Department, and no change had been made, and his astonishment was that the noble Lord, who was not insensible to the great necessity which existed for the encouragement of education in the Highlands, had not given it his attention. There was another matter which had given very great dissatisfaction to the teachers in Scotland, and he thought very justly so, because it might be remedied with very little difficulty, and that was this—One Inspector was extremely hard and harsh as compared with his brethren. Another might be extremely lenient, and in his case the schoolmasters did not complain; but in the case of the south-west districts of the Highlands, which were certainly by no means the worst supplied with teachers, the Reports of the Inspectors showed that they were very far behind their brethren in other parts of Scotland. Now, in such a case as that, where complaints had been made and public attention had been drawn to the school, he thought that the difficulty would be very easily met by a change of Inspectors, in order that the Department might see whether the blame really attached to the schoolmasters or to the Inspector. The noble Lord had

alluded to building grants and to the money which was disbursed for that purpose. He wished to call attention to a matter of infinitely more importance than the money which Scotland could ever hope to obtain from the Department, and that was the removal of those impediments which had been placed in the way of handing over all the schools in Scotland belonging to Church and voluntary associations to the school boards, without money and without cost. Before the passing of the Scotch Education Act, besides the parochial schools maintained by the parishes, there were a number maintained by voluntary associations and Churches. The Free Church especially had established throughout the Highlands a large and complete system of voluntary schools, and the same was the case with other associations which he need not specify. These Bodies were all perfectly willing to hand over their schools to the school boards. Now that the State had taken up the education of the people, they considered that there was no use in their going to any further expense in the matter, and therefore they were perfectly ready to hand their schools over. But it was found that there was a difficulty existing. In fact, numberless difficulties existed. If the managers of these schools had incurred a *bond fide* debt of say £50 on a school worth £1,000, the school board would not accept the gift if they wished to hand over the schools. But unless such anomalies were speedily remedied, he was afraid it would be too late; whereas, if they were, an amount of money would be saved in Scotland very much greater than anything in the shape of building grants from the Department.

MR. RAMSAY considered that the difficulty in transferring these schools was not due to the Department, but to the Education Act, and the construction which had been put upon it. It was quite true, however, that the attention of the Department had been called to the subject, and that nothing had been done. Only 13 schools had been transferred during the last year. That was to be regretted. As to the present teaching in Scotland, he might state as a fact that there was a feeling prevailing in that country that the education of children was being degraded rather than elevated. The noble Lord no doubt was

anxious that that should not be the case; but it was, and it arose from the fact of their not being able to secure teachers who possessed those acquirements which enabled them to give instruction in the higher branches that would be of advantage to the humblest in poor districts. Under their ancient system the parish schoolmaster could usually teach Latin, Greek, and mathematics; and if he could not impart a knowledge of science, he could do so in other useful branches of learning, and that was the defect in the present system. Therefore, though there might be an increase in the number of scholars, there was a degradation in the standard of learning.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. RAMSAY observed that great hardship had been caused in the Highlands and insular districts, by the withdrawal of the schools which had provided them with education before the passing of the Education Act of 1872; while board schools had not yet been established in their place, in consequence of the difficulty the boards experienced in finding tradesmen who would build the schools. The difficulty about teachers must continue to prevail for some time, although he concurred with what the noble Lord had said the other day, when he stated that the supply of teachers would soon be adequate to the demand. But that brought him to the appeal regarding educational endowments, which was made by the right hon. Gentleman (Mr. Lyon Playfair) to the Home Secretary. In that appeal he cordially concurred, and he (Mr. Ramsay) would also appeal to the right hon. and learned Gentleman the Lord Advocate to take care that the time was not allowed to pass away without something being done to fulfil the promise which the Home Secretary had held out to them of having legislation with regard to the educational endowments of Scotland. He believed that it was quite possible, without offending the sentiments, or it might be called the prejudices, of the people of Scotland, to provide adequately for higher education in that country, without encroaching upon those endowments in a way which would not be satisfactory to those who at present governed

them; and, therefore, he hoped that the appeal which had been made to the Department would not be in vain, but that something would be done. What was required in the schools in Scotland was not the teaching of some small elementary knowledge in branches of science; but that the minds of the children should be developed. Not that the children should be crammed with matters of mere memory, but that their intellectual powers should be improved, and their children made good members of society, and be taught to do their duty to themselves and the community.

MR. ASSHETON CROSS said, that he merely rose to state, in reference to the observations of the right hon. Gentleman (Mr. Lyon Playfair) that he had nothing to add and nothing to withdraw to or from what he had said to the deputation which attended him at the Home Office.

GENERAL SIR GEORGE BALFOUR rejoiced that the noble Lord had made considerable alteration in the pay of the Scotch School Inspectors, but wished to urge again that there was not a sufficient number of Inspectors to do the work. It was impossible to carry on the inspection of schools in a satisfactory manner, so long as it was hurried over in a short visit. To allow of this inspection being efficiently carried out, the number of Inspectors must either be increased, or the areas allowed to each Inspector limited. But it would probably be preferable to carry out both these plans. It would also be advisable to add a few more Inspectors to serve as a reserve force, to be specially thrown on some schools of the districts, in order to test the soundness of the ordinary inspection. His hon. Friend the Member for Glasgow (Dr. Cameron) had brought to light the injury done to some schools by some Inspectors being either more lax, or more stringent, than other Inspectors; showing that the money results to schools of a high standard, had thereby actually been less favourable than to other schools of a lower standard. His hon. Friend had then urged the transfer of Inspectors from one district to another; but it would be advisable to be cautious in making transfers, which might indicate defective inspection. These defects arose from two causes—one, insufficiency of inspecting power as to numbers of available Inspectors; and one, defec-

tive power as regarded ability of inspecting. The remedy was that the Inspectors should be taught, in suitable training establishments, how to inspect; but that could not be done while their number was so small. The Inspectors should, however, be urged to try to make themselves acquainted with the minds of the children, so as to frame their questions in a form to be understood; and he would suggest that a second Inspector, thoroughly experienced in Scotch thought, should from time to time be sent down to schools unfavourably reported upon, so that the kind of inspection might be so varied as to enable the authorities to obtain an accurate acquaintance with the state of the school. It should also be mentioned that the Scotch inspections could not be deemed satisfactory until the young and inexperienced Inspectors, brought into the service from the Universities of England, had gained more experience. Even the very words used in the Reports of Inspectors to denote the progress of the scholars at schools, and the fitness of the teachers, varied with the temperament of the individuals who inspected. This was a form which could, however, be taught; but without a training establishment, and a reserve of Inspectors, it was impossible to create uniformity in the wording of the Reports, so that similar ideas and results might be stated in similar words by the different Inspectors. The occasional inspections thus advocated would allow a comparison of Reports, and lead to a proper system of recording results in the inspection Reports, and thus, from different Reports of different Inspectors on the same school, the differences of opinion between Inspectors would be clearly shown. Hitherto, training had been confined to elementary schools, and no doubt those were the essential and primary schools to attend to. But why not follow the Chinese educational system? In that country education was carried far beyond the English system. There were schools in China in every little village; schools of a higher order in the district, others in the Provinces, and finally at Peking. Most promising youths of the poor were trained as well as the wealthy. This system should be followed up now that we had adopted the Chinese system of education; there was no use in denying that, though the Chinese system was

almost perfection when compared with ours. Then, with regard to subjects to be taught and to be examined into, the Chinese had attained the greatest perfection in standards; but the Chinese mind was stereotyped with ideas obtained from the old books of the Chinese philosophers, and thus the progress of that great people had been checked, or kept down to the knowledge or ideas of the centuries before Our Saviour. That mental limitation as to subjects to be taught, or tests to be applied, we had in part followed; but it was open to grave objection, especially as regarded loading the very young mind with long pieces of poetry. He would not be very particular as to the standard, but would rather trust to the Inspectors to find out whether the schools had arrived generally at that degree of excellence which they ought to attain. A good deal had been said about the necessity of improving the teachers; but that improvement should be made to come from within that useful body of public servants. At present, there was no great inducement to improvement held out to them. The way to create activity was to create inducements to be active. Now, one way was to create additional schools for higher subjects. He believed his own county would gladly try to form a higher school, thereby creating a demand for the services of teachers of a more advanced class, and consequently better remunerated. And, further, though there were some difficulties in the way, he thought some inducements should be held out to teachers to qualify themselves to become Inspectors. He therefore asked, why they did not follow the example of the Chinese a little more, and draft off the better class of instructed boys to a higher school? Such a system would benefit the poorer youths, improve the elementary schools, and spur on the teachers too. There was another suggestion he would offer. His hon. Friend the Member for Falkirk (Mr. Ramsay) was a most useful member of the Education Board for Scotland; why should he not, with all his knowledge and experience, have power to draw up an annual Report on the subject of educational arrangements in Scotland, so that the House and the country might have full information upon it from time to time from a responsible Member of

General Sir George Balfour

this House? Then with regard to the accounts of income and expenditure, there was an urgent necessity for bringing these matters under better control. The first and most important point was, to have a thorough audit, not of vouchers only, but of the figures entered in those vouchers. At present there existed a terrible dread of an examination of these figures. It looked as if that thorough audit would destroy the independence of school boards and their right of control over the schools, whereas it would, in his opinion, aid that proper control by the local boards. Then there were other questions as to the sufficiency of the present school building arrangements, and as to the situation of schools. Those also required to be examined into and kept right by trained Inspectors, qualified for the investigations, being specially employed for these examinations.

SIR JOHN LUBBOCK said, he could not agree with what had fallen from the hon. Member for Glasgow (Dr. Cameron) with reference to the number of extra subjects which had been taken up by Scotch students. He hoped the advantages which had been given to Scotland in this particular would be extended to England, that less impediments would be thrown in the way of students taking up the extra subjects, and that a larger number would be induced to study them. He thought the requirements for needlework were a great deal too high, and he hoped the noble Lord would re-consider that matter. The noble Lord had proposed that no grant should be given unless instruction in any subject taken up extended over a whole year. That was surely going a little too far. The period might fairly be reduced to six months. The noble Lord also proposed that when a particular subject was taken up it should be compulsory for the child to keep to that subject for three years. He thought that was a mistake, as a child might take up a subject for which it was not well qualified, and it ought to have the opportunity of taking up others. He was also in favour of teaching fundamental ideas of several branches of science. He deprecated a smattering as much as anyone; but it could not take long to give a child fundamental ideas, and fundamental conceptions of several sciences would frequently be of more use to a child than fuller instruction in one

science only. He also complained of the Code because its details and rules were too minute and peremptory, leaving little or nothing to the teacher and the circumstances of the school.

MR. ANDERSON thought the statement of the noble Lord was, on the whole, satisfactory. At all events, it was well to know that they were not going back, and that Scotland even kept ahead of England. But they had not much to congratulate themselves upon in the list of numbers applying for extra subjects. Out of 380,000 scholars, for instance, only about 1,000 took up French. We were, perhaps, from our insular position, the worst-instructed country in the world in foreign languages, paying less attention to them than any other nation. Something ought to be done to remedy this. The state of matters might be satisfactory from an English point of view, seeing that Scotland was ahead of England; and English Members might think that Scotland had attained to something great; but no Scotch Member who had given attention to educational matters in his own country could be satisfied with things as they were. He thought the time had come when they should adopt the American system, making elementary education absolutely free, so that the fees which parents now paid for elementary, might be devoted to higher education. That was the line he had always taken, and he thought it was greatly strengthened by the statement of the noble Lord, and he hoped before long the opinion might become more general, and they might see the country going in for free education.

MR. MARK STEWART earnestly asked the attention of the noble Lord to the present status of pupil teachers. When a pupil teacher was entered at a school, there was a regular indenture drawn up, and signed between him and the school board. The consequence was that although the master of the school was the pupil teacher's real master, and alone had authority in the school; he found he had very little influence over him; and when there was not a proper relation between them, the bad consequences even to the pupil teacher himself were disastrous. He hoped the noble Lord would take the matter into consideration, and, if possible, adopt certain rules by which the pupil teacher should not only be under the surveillance

of the master, but should be under his actual authority, instead of being under the authority of the school board.

MR. M'LAREN said, that in his opinion, education would never be thoroughly extended among all classes of the poor except by an entirely free education. A general notion was that what people did not pay for they did not value; but the free system had been tried on a very large scale in the city which he represented (Edinburgh). There were 5,000 children in that city receiving free education in 16 schools, supported by George Heriot's hospital funds, and the attendance averaged 90 per cent all the year through, while at the board schools, with more than double the number of children, it did not come up to 75 per cent. If education were generally made free, it would cause a very much higher attendance. He agreed with his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair), and with his hon. Friend the Member for Falkirk (Mr. Ramsay), in the hope that the Government would introduce a measure for regulating endowed institutions in Scotland next Session; but there were two opinions in Scotland as to what that measure should be, and he should like to take the opportunity of stating to the noble Lord (Viscount Sandon) and to the Lord Advocate the two views which were entertained. There was an Act passed, to endure for three years, which had already been referred to, for enabling such institutions to open their doors wider than they had hitherto been, and partially to alter the principles on which they were established. That Act was entirely permissive in its character, and had now expired. Some people, with whose opinion he sympathized, would give the Governors of such institutions even more power than they had under that Act to alter their constitution, subject to the sanction of the Home Secretary. Another idea advocated by some persons in Scotland was to seize on the funds of those institutions, originally left for the poor, and devote them to the education of the rich and middle classes. To that proposal there was a very strong objection in Scotland. With regard to the middle-class schools referred to in the Report, they only afforded a small portion of the education provided for the middle classes. In the city with which

he was connected there was one such school with 450 scholars, and with fees and endowments amounting to about £4,500; but there were 10 times that numbers of scholars in other schools not under the Act. The Report stated that there were only 1,300 children learning French; but he had no hesitation in saying that there were more than that number learning French in Edinburgh alone, and probably more than that number learning French in Glasgow. French, German, and other modern languages were mainly taught by private masters. The hon. and gallant Member for Kincardine (Sir George Balfour) had asked, why should not the counties have middle-class schools of their own? He answered, why not? Every county should establish such a school; but let the county gentlemen put their hands in their own pockets, and not rob Glasgow, Edinburgh, and Aberdeen. He was very much pleased to hear the noble Lord explain that the variety of subjects now permitted to be taught under the Scotch Code was considerably greater than the number which the Scotch Board of Education desired should be taught. This was a good answer to the cry which had been raised that education was deteriorating in quality. He believed, on the contrary, that education in Scotland was better now than it had ever been before.

MR. WHALLEY said, that the want of facilities for utilizing existing schools for national education had been the means of largely increasing the burdens of the country. The principle which underlay the present system of educational administration, which was almost unanimously condemned by the country, was to maintain and confirm the principle of denominational teaching; and he regretted that some assurance had not been given by the Government that the children who were being educated in denominational schools would be protected against the teaching, under the name of religion, of the doctrines which had recently been disclosed, and which had created such general disapprobation.

MR. YEAMAN said, that having been a member of the school board of Dundee for three years, he had naturally taken a great deal of interest in the board schools. He did not think that there were any schools in any of the

Mr. Mark Stewart

larger burghs or cities throughout the country which had been attended with greater success than those of Dundee. But he shared the opinion entertained by many persons, that a still higher standard ought to be reached before payments were made to the teachers. The Returns showed that the principal teachers of the board schools in Scotland were very well paid. Their salaries ranged in some cases from upwards of £300 to more than £500 a-year. With such salaries a higher standard of education on the part of the scholars ought to be reached. Both Scotland and England were very much indebted to the noble Lord for his efforts to raise the standard of education, and it was to be hoped he would long be spared to devote his assiduity and energy to the cause of education.

VISCOUNT SANDON assured hon. Members from Scotland that he was the last person to think they had got to finality as to the standard of education. It was only wise, however, to advance with caution, especially when they were sweeping into their schools vast numbers of uneducated children. At the same time, the remarks which had been made would be duly weighed. With regard to the specific subjects, he thought the hon. Member for Glasgow (Dr. Cameron) had unduly run them down. Of course, if it was found that these subjects were taught too slightly, it would be very easy for the Inspectors to insist on higher requirements. As to literature, it was not merely a question of learning by heart. There was a great deal more—dictation, for instance, which was one of the most important elements in a child's instruction. Physical geography he regarded also as a very important subject. The hon. Member had laid great stress on the desirableness of the children learning more Latin and French, instead of the scientific subjects. For his part, however, he (Viscount Sandon) was not prepared to compel the children in Scotland to learn French and Latin in the ordinary schools. As to domestic economy, he had received many communications from Scotland in favour of teaching it. He thought it a very good thing indeed that the children should receive hints as to what they ought to do hereafter with their money; and he rejoiced that by the establishment of penny banks they were now taught in

hundreds of board schools to lay by what they could. Considering how important the study of health, food, and clothing was to the future mothers of the country, it had been thought right, where girls chose to go in for specific subjects of a more advanced kind, to make domestic economy one of their extra subjects; and he held to that as a wise arrangement. With regard to schools in the wilder districts of the Highlands, the rules as to the buildings had been relaxed in order to meet the difficulties of the case. The hon. Member for the Falkirk Boroughs (Mr. Ramsay) had given high testimony, on the whole, as to the work done, and his testimony was of great value. In the remarks of the hon. and gallant Member for Kincardineshire (Sir George Balfour) as to the importance of Inspectors he thoroughly agreed; and, as a matter of fact, the staff of Inspectors had been considerably increased. He thought, however, that the picture which the hon. Member gave of the present elementary education as being of a "humdrum Chinese" kind was rather overdrawn. He was not acquainted with the Chinese system of education; but he ventured to think that the elementary education now given to the working classes of this country was of a very thorough character. He would not be tempted to enter at that time upon the subject of free education; but he might remark that Scotch parents seemed inclined to take a different view from that of the hon. Member, the fees paid in Scotland for education being on a much higher scale than in England. As to pupil teachers, while he hoped they would recognize that they must be subject to the masters of the schools, he did not see his way at present to give the masters a greater control over them. The hon. Member for Dundee (Mr. Yeaman), who always spoke with great authority, asked that an effort should be made to raise the standard somewhat, and in the instructions to the Inspectors this would be kept in mind. He was fully aware that in Scotland such a change would be more willingly received than in England. A great deal, however, depended upon the parents. If the parents put a pressure upon the masters, he had no doubt the standard would be raised. Now that children were obliged to go to school, he heard from all quarters—especially from Scotch masters—that as

soon as the legal obligation was over the child seemed to think, and the parent often agreed with him, that his education was over, and the result was that in many cases the children left school earlier than they would have done before. It was, therefore, important that they should receive a very thorough knowledge of elementary subjects during the few years they were at school. The hon. Baronet the Member for Maidstone (Sir John Lubbock) had asked that the grant of 4s. for specific subjects should be divided into two. This was a matter well worth consideration, but he could not at that moment give a definite answer on the point. As to cramming, he thought the precautions which had been taken to guard against it had met with entire approval, and those precautions applied to history and language as well as to other subjects. In conclusion, the noble Lord thanked the hon. Members for Scotland for the kind tenour of their observations.

Vote agreed to.

(2.) £430,236, to complete the sum for Public Education, Ireland.

SIR MICHAEL HICKS - BEACH said, that in moving this Vote he would not trouble the Committee with observations on the general system of education in Ireland, or draw attention to alterations in any particular sub-heads as compared with the Vote of last year. There were alterations in various items, but there were none of them of such a character as to call for special remark, except that perhaps he should explain that a sum of £2,500 for poundage, charged in the Estimates of past years as due to the Post Office for paying the salaries of the teachers, was omitted in the Vote now proposed to be taken. The hon. and learned Member for Kildare (Mr. Meldon) last Session called attention to this charge, and objected to its being included in this Vote, and since that time the Secretary for the Treasury had arranged that the teachers should have their salaries paid in another way equally convenient to them, and at the same time this item should not be included in the Vote for Irish education. The Report of the Commissioners of National Education in Ireland for 1876, which had recently been presented to Parliament, enabled him to mention one or two points of comparison with the statement he had made

on this subject last year. He found from the Report that there had been a considerable increase during the year in the number of pupils on the rolls of the National Schools, the total number being 1,032,215. He did not think any real argument could be based on those figures as to the progress of education in Ireland. It would be much sounder to follow the custom of England and Scotland, and take the numbers attending at a certain date before the inspection, or the averagedaily attendance of the pupils. Both of those points were brought forward more prominently in the present Report of the Commissioners, and he thought the Committee would be satisfied with the evidence of improvement which they afforded. On the last day of the month preceding the inspection there were 596,477 pupils in attendance, or 18,886 more than in 1875; and the average daily attendance was 416,586, an increase of 26,625. He did not say that those figures showed sufficient attendance; but he found, as he had stated earlier in the present Session, he expected he should, by what had taken place in the county of Longford and other counties, that the attendance of the children had been made more regular than otherwise by insisting on the payment of proper fees. As the attendance of children had improved, so the income of the teachers had materially increased. In 1875 the total income of the National School teachers in Ireland, whether from State or local sources, was returned by the Board at £571,648 and for 1876 it was returned at £638,508, of which £138,839 was paid by way of results. That showed a very material increase in the income of the teachers for last year. Another fact which would be satisfactory to the Committee was that whereas in 1875 80·3 per cent of that income was derived from Government grants, and only 19·7 per cent from local sources, in 1876 72·4 per cent was derived from Government grants and 27·6 per cent from local sources. That increase had arisen from an improvement in the amounts paid for fees by those sending their children to school. Last year he called attention to the small amount of fees paid by the children for their instruction, and he quoted certain counties as illustrating the low amount of those fees, and the comparatively small number of the children who paid them. He

Viscount Sandon

found from the Report of the Commissioners for 1876 that a total sum of £78,434 was received in payment from pupils, showing an increase of £17,723 over the preceding year. If they looked at the particular places in which that increase had mainly occurred the result would, he thought, be found even more satisfactory. Last year he quoted the statistics of the counties of Cavan, Longford, and Leitrim on that point. In Cavan in 1875 the average per pupil of school pence was 1s. 7½d., and the average per pupil of the total amount locally subscribed was 2s. 6½d., while in 1876 the school pence averaged 1s. 11½d., and the total amount locally subscribed 2s. 10½d., showing a fair increase. In the county of Longford in 1875, 1s. 3½d. was the average amount of school pence, and 2s. 2d. the total average amount locally subscribed; while in 1876, the average amount of school pence was 2s. 2d., and the total average sum locally subscribed 3s. 8d. In Leitrim in 1875 the school pence averaged 1s. 1d., and the total amount locally subscribed 1s. 11d., while in 1876 the school pence averaged 2s. 4d., and the total sum locally subscribed 3s. 4d.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR MICHAEL HICKS - BEACH continued: That increase was mainly due to the action which had been taken in consequence of the fact that in schools in non-contributory Unions the National teachers did not receive the contingent portion of the results-fees from the Government. The hon. and learned Member for Kildare had asked the Government to adopt some system by which the teachers would not in future be deprived of those fees; and in last August he was able to undertake on the part of the Government that for the year 1876-7 the contingent results-fees should be given to teachers of schools in non-contributory as well as contributory Unions, provided that an equivalent sum was raised from some source or another by those who were interested in the schools. The effect of that proviso had been very satisfactory as far as regarded the increased income of the schools in non-contributory Unions from local sources. In 2,698 of the 3,272 schools in non-contributory Unions the

conditions entitling the teachers to contingent results-fees were fulfilled. Those conditions were that the local contributions to a school should equal 3s. 4d. per child per annum of the average attendance of the school, and also at least half the amount of the results-fees which might have been granted to the school under the Act had it been situated in a contributory Union. The amount of the contingent results-fees thus paid to the teachers of schools in non-contributory Unions was £22,357. From the Report of the National Education Commissioners it would be found that in the schools of those non-contributory Unions the local subscriptions had increased from £7,582 in 1875 to £12,486 in 1876, and the school pence of the pupils from £23,978 in 1875 to £34,984 in 1876. Since those figures had been arrived at, he believed there had been a still greater progress in the amount derived from those sources, and especially in the amount of the school fees; and what might fairly be deduced from that was that they might safely advance still further in the requirement of aid from local sources in that manner, and might insist on such a proviso as that which he had suggested last year—namely, that in all schools a reasonable payment not below a certain minimum should be required from the children receiving education. He thought, then, it might be said that, as a whole, the system was progressing satisfactorily as regarded the attendance of the pupils, and that a very considerable and proper increase had been obtained in the payments to the teachers during the last year from the source from which contributions had hitherto been so extremely deficient. He did not wish to imply that he was satisfied with the present position of affairs in either case; but he did think it was shown that things were improving and that they might properly press forward in the same direction, with the perfect confidence that by insisting on further payment of fees for the education of children they would not really decrease the average attendance. During a debate which occurred earlier in the Session, when comparisons were made between the number of children examined for results in Great Britain and in Ireland, it was stated that the number of attendances required for examination for results was less in Ireland than in

England. That was the fact. But they had now made a step in advance in that matter, for whereas last year the number of attendances required to qualify a child to be examined for results was 90 whole days, in the present year—1877-8—the Commissioners of National Education had added 10 more days, bringing the number up to 100. He hoped that before long further progress would be made in that direction. The right hon. Baronet concluded by moving the Vote.

MR. MELDON said, he was sorry that he could not take so sanguine a view of the progress of education in Ireland as that taken by the right hon. Gentleman. As far as the National teachers were concerned, matters were retrograding rather than anything else. He must protest against the way in the Irish Education Estimates were brought forward this evening. Full notice ought to have been given to the Irish Members that these Estimates would be brought on this evening. It was perfectly well known that one of the most serious questions to be discussed in connection with these Estimates, was whether the system introduced last year for the purpose of augmenting the salaries of the Irish National teachers ought to be continued or not, and he thought every information that could have been given ought to have been given to enable Members to debate that question. The last thing done last night was the laying on the Table by the Chief Secretary for Ireland of a most important communication on the subject of continuing the present system, and perhaps, lest he (Mr. Meldon) or some other Member might see that communication before these Estimates were brought on, the right hon. Gentleman sent it off to the printer.

SIR MICHAEL HICKS-BEACH said, the correspondence in question amounted merely to a recommendation by the Commissioners of Education to the Treasury, supported by the Irish Government, to continue for the present the system which he had detailed to the Committee with reference to the acceptance of voluntary contributions in lieu of the results-fees voted by the Guardians, as entitling a school to receive the contingent results-fees.

MR. MELDON said, Irish Members would have been glad of the informa-

tion contained in the correspondence, as then they might have fairly discussed it that evening. He also complained that although he had been in constant communication with the Irish Office up to a recent date, the Chief Secretary had withheld from him the slightest intimation of the proposals he intended to bring forward on behalf of the Government. The question was whether the system began last year was to be continued. He would, then, in the first place, say that the scheme did not carry out the proposal of the Government in 1875, when the National Teachers' Scheme was introduced. The National Teachers Bill of 1875 was not successful. It was admitted in 1874 that the salaries of the teachers were insufficient, and the Government then undertook to remedy the grievances. There had been an addition made to their class salaries, but the Government also proposed that at least a certain sum should be allocated to them, which was to be divided into three parts. The one-third of the fees which they were to earn by results was to be paid unconditionally, and the other third was to be by the Government on condition that the Board of Guardians supplied the other third. The Guardians had been made to assent to that by a ruse, and to vote the money for two years. The number of contributory members in contributory Unions in Ulster, Munster, Leinster, and Connaught had fallen to one-half, and that showed that this was wholly inoperative. Instead of Boards of Guardians being willing to make themselves contributories under the Act of 1875, they were actually at present refusing to pay for the education of children who were boarded out by them in different parts of the country. But assuming that this system was successful, and that the teachers received sufficient remuneration, he still contended that the system was most unrighteous, as it held out a temptation to the teacher to make false returns. He did not assert that the returns were falsified; but it was wrong to put a teacher in a position in which he was tempted to make the school income greater than it really was. Nothing could be more injurious to education than to have persons over children untrustworthy. Owing to the Chief Secretary having said that this was only a tentative measure, money as

Sir Michael Hicks-Beach

voluntary contributions had been paid as school fees. The result would be that next year this source of emolument would be shut out from the teachers. Then, again, a direct premium was held out under this system for teachers not to educate the children as well as they might. A teacher, when the result fees were very low, would have little difficulty in getting sufficient to entitle him to the thirds, whereas a man whose result fees were larger would find greater difficulty in that respect. It was inexpedient that the collection of the fees should devolve on the teachers instead of the managers. Hon. Members would be surprised to learn that all that the teachers wanted was salary—for first-class, of whom there were only about 200, £2 per week; second-class, which composed the great body of teachers, £1 10s.; and third-class, £1. The teachers were getting further from their chance of getting this question settled, and then what were they to do when this system was to be taken as an experiment for another year? The Chief Secretary had told a deputation of teachers that they must agitate themselves, but the answer to that was the teachers were not allowed to take part in politics; and in one case the names of two persons similar to those of two teachers in the district which were pointed out in the Papers were forwarded to the Commissioners of Education, and an Inspector was sent down to inquire as to whether they had attended the political meeting on the Land Tenure Bill. The manager of the school refused to allow the teachers to be examined unless the Inspector would give the names of their accusers, and this was refused. But what was the result? Those two teachers were dismissed, although they had never attended the political meeting. That was a comment upon the suggestion of the Chief Secretary that they should agitate in this matter. The teachers were wrong to adopt the unrighteous advice given them to agitate among the Guardians; and now, that it had been unsuccessful, something ought to be done to meet the moderate demands of the teachers this Session. If no Bill could be introduced this year, at least some temporary alteration of their condition might be adopted; unwilling Guardians might be forced to pay for the education of those

children whose parents were too poor to pay, and the Guardians ought to be made to pay for the education of children who were boarded out by them throughout the country. Managers of schools should be encouraged to make that local contribution as large as possible, but the two-thirds grant should not be contingent. He hoped that the teachers would not once more be turned away with nothing having been done.

THE O'CONOR DON said, he could not concur in many of the views expressed by the hon. and learned Member, either as to the position of the teachers or the means he suggested for improving it. Parliament ought to be careful not to do anything to render the teachers in a greater degree than they were now the servants of the State. If anything were done in Ireland to increase the power of the State over the teachers and managers of schools, it would involve a great risk in the way of destroying their independence. Nothing was more to be deprecated than an increase of the salaries of those teachers wholly, or almost wholly, out of the State funds. If the danger referred to was to be obviated, it could only be by some local and voluntary payment towards the teachers' salaries. Nor was there anything new in that system. Up to 1870 the State payments to schools in England were entirely in proportion to the amount of local contributions, and even now, excepting in the case of the board schools, the same principle was followed. As to the way in which payment from local sources should be made, the first proposal of the Government was that it should be done by means of a rate levied by some local authority; but there were strong objections to that method, and it did not meet with a favourable reception in Ireland. The Government then proposed to give a contribution from the State funds, if contributions were made from local sources, either in the form of rates or voluntary subscriptions, and that was a very fair proposal. If the Government had not made the contributions from the State dependent on local subscriptions, the latter would have fallen off almost to nothing. He expressed his pleasure at hearing the Chief Secretary say there was an intention to make the payment of a small

fee compulsory. He thought this would tend to a more regular attendance at the schools, inasmuch as parents would be desirous of getting full value for their money.

MR. ERRINGTON pointed to several items of the Vote, more particularly that relating to school sites, which he thought required explanation.

CAPTAIN NOLAN said, Irish Members had always urged on the Government the importance of making increased grants for primary education, and he advocated the same cause now. There was no Church money in Ireland. He pointed out that while the cost of education per head in Ireland was 2s. 2½d., in England, where the population was more compact, it was 2s. 1d., and in Scotland, which presented pretty much the same conditions as Ireland, it was as high as 3s. Now, if Ireland were treated with the same liberality as England and Scotland, the grant now asked for would be increased by £183,000, which was almost double the amount required to satisfy the claims of the Irish teachers. If the people of Ireland had the management of their own affairs, they would put a tax upon spirits and apply the proceeds to education. The present Government, however, taxed spirits without giving the people of Ireland any corresponding benefit.

MR. SULLIVAN said, he objected to the too great cheapness of popular education just now in Ireland amongst the working classes. Some means should be taken to make parents pay for their children more frequently than they did. He knew how the money that should be so spent went on the Saturday evening. The poverty of the country was no doubt great, but there was no sufficient excuse for the high percentage of parents who paid nothing at all. When the common school system was introduced by Mr. Stanley, afterwards Lord Derby, it had not been the choice of the people. It had neither popular support nor the support of the landlords. They were now in the critical condition of making compulsory contributions, and at the same time imposing on the country a system with which it had no sympathy. They did not approve of the present system of national education; but they preferred it to blank ignorance. He now said to the Government, when they

referred to the small contributions by the people and the Guardians in comparison with the percentage contributed by the State, that the system of education of the people of Ireland was the State's choice and not that of the Irish people; and that if the State forced its system upon that country, the people there would say—"Pay for it." But how lamentable was the pay of the teachers and the attendance at the schools! He deplored the present state of things, but nothing would bring it right until education was brought more into harmony with the feelings of the people.

DR. WARD referred to the Report of the Royal Commission appointed to inquire into the Model Schools, and stated that the Commissioners condemned those schools, and reported that no more money ought to be expended upon them. That was the unanimous decision of the Commissioners, and notwithstanding that, the Chief Secretary for Ireland stood up in the House and asked the Committee for the usual grant of public money for those schools. The present system of education in Ireland had destroyed the private schools in that country. He considered that the Irish Members had good reason for complaining of the course pursued by the Chief Secretary.

MR. PARNELL said, that the national teachers of Ireland had some ground for feeling that the Chief Secretary would take some means to alleviate their position. The right hon. Gentleman's attention was called to this question in 1874, but those teachers had remained scandalously underpaid. There were 9,000 of them, and they received last year on an average £31 each, insufficient, to his mind, for the pay of an ordinary labourer, much less for those who were employed in instructing. The salaries of the higher officials had been considerably increased since 1871; whereas the unfortunate national teachers were obliged to go without houses, and almost without bread, in many cases to give to their children. The hon. Member for Roscommon (the O'Connor Don) had said that his union had been a contributory, and, in his opinion, it was a very sound principle to encourage local contributions; but, at the same time, the Boards of Guardians would be placed in a false position if they were to give money over which they had no

control. He hoped Government would never levy a tax on the Irish people for purposes of education so long as the education was not such as the people wished.

MR. KING-HARMAN said, the discussion had elicited the tolerably unanimous opinion from the Irish Members that the question of national education in Ireland was one which imperatively demanded attention at the hands of the Government. He (Mr. King-Harman) had induced two unions to contribute for two years, but the experiment had not proved successful, and he could not bring himself to ask them to contribute longer. The contributory system had thus proved a failure. It was of the utmost importance that the teachers should be well educated, and if that was not generally the case, the House would remember that they were poorly paid and that no provision was made for their old age. He trusted that during the Recess the Government would consider the propriety of appointing a Committee, or a Commission, to inquire into the position of the Irish national teachers.

MR. GRAY said, the sum for secretaries' salaries for 1877-8 was £1,600, the same as in the previous year. A financial assistant secretary had been added at £650 a-year: what were his exact duties? The office of Clerk of Accounts at £650 appeared to have been abolished. Hitherto the rule had been that there should be two secretaries, a Protestant and a Catholic, equal in salary and equal in position. But though it was understood that some great changes were being made during the past year, especially in the secretariat department, the proceedings of the National Board were shrouded in mystery, and he wished to know what the exact nature of those changes were.

MR. BIGGAR advocated an increase of pay to teachers, especially in poorer districts, where there were no voluntary contributions.

SIR MICHAEL HICKS-BEACH said, with regard to the question raised by the hon. Member for Tipperary (Mr. Gray), these Estimates were framed before the changes in the staff of the National Board were agreed on, and therefore did not correctly represent the final settlement. During last summer a good deal of correspondence passed between the Com-

missioners of National Education and the Treasury upon the manner in which the duties of the secretaries of the National Board were performed, and especially those duties which related to financial matters. After careful inquiry it was thought better to re-organize the secretariat department, which formerly consisted of two secretaries and a clerk in charge of accounts. The senior secretary had retired and his place had been taken by his colleague at an increased salary of £1,000 a-year, while another secretary had been appointed at £800. The clerk in charge of accounts had been replaced by a gentleman holding a higher official position, though not receiving a higher salary, as assistant secretary. These changes were unanimously agreed to by the Board of Education, and he was confident would conduce to increased efficiency. With regard to Model Schools, he believed they had been doing a good work, although he admitted that there were some points on which they might be altered with advantage. To some extent they had departed from the original intention of being model elementary schools. Education of a higher kind was now given in many of them, and to the children of parents holding a very good position in society. But, as appeared from the Estimates and from the last Report of the National Board, the fees in the Model Schools had been considerably increased, with the view of checking any abuse of this kind. But the question whether the Model Schools ought to be maintained or not was one of too much magnitude to be discussed upon this Vote. With regard to the position of the national teachers in Ireland, he was bound to say that the hon. and learned Member for Kildare (Mr. Meldon) had not dealt quite fairly with the Government for what had been done. If he had thought that the hon. and learned Member was not aware of the intention to continue the present system for another year, he should have been happy to give him information on the subject. But some time ago the Commissioners of National Education in Ireland were unofficially informed of the fact, and they had communicated it to the national teachers generally; so there was really nothing to conceal in the matter. No doubt the National Teachers Act of 1875 had not

succeeded to the extent to which they wished; but why? Not because the Government had failed to do their part; but because the Guardians in many of the Poor Law Unions had declined to perform theirs. Yet all that was asked by way of local contributions amounted to a sum not exceeding the ordinary small fees which ought nearly always to be paid by children for the education they received. They did not ask, or expect, at present any large amount from this source; but it was only right in the interest of the children and their parents that the education received should be paid for. To a great extent it would then be more valued.

CAPTAIN NOLAN called attention to the increasing grants that were being made to England and Scotland in comparison with those for Ireland. This year was worst of all, for there was no increase for Ireland, while in the Education Vote for England there was an increase of £203,744, and of £50,555 in that for Scotland. The totals since 1874, when the present Government came into office, were an increase for education of £103,000 for Ireland, £600,000 for England, and £321,000 for Scotland.

MR. DICKSON observed that Unions in Ulster only contributed for a short time, and it was only by the teachers personally canvassing the Guardians that they obtained any contributions from them.

MR. MELDON regretted that the Government had not acceded to his proposal for improving the position of the national teachers in Ireland, and it would therefore become his duty, should he obtain an opportunity this Session, to take the opinion of the House as to the manner in which the Irish teachers had been treated.

MR. COGAN expressed a hope that some alteration would be made with regard to training schools for teachers, which would cause the people of Ireland to have greater confidence in the system.

MR. PARNELL asked the Chief Secretary for Ireland to explain why Scotland, with only half the number of inhabitants, should have twice as much for education as Ireland?

SIR MICHAEL HICKS - BEACH said, that some arrangement was about to be made in lieu of the old charge for poundage in this Vote, by which the

Sir Michael Hicks-Beach

salaries of teachers would be paid to them without expense or deduction. As to the alleged difference in the grant for Scotch and Irish education, for many years the Irish Education Estimates were proportionately much larger in amount than the English and Scotch Votes; and, although the latter had increased of late years, the question was, what sum was really needed in each country for education. It must also be remembered that the English and Scotch Votes were supplemented by voluntary subscriptions to an extent quite unknown in Ireland.

Vote agreed to.

(3.) £20,028, to complete the sum for the Chief Secretary for Ireland's Office.

MR. BUTT asked, whether the Chief Secretary had read the recommendations of the Inspectors of Fisheries, and was prepared to act upon them?

SIR MICHAEL HICKS - BEACH said, that he had considered the recommendations made in regard to the Irish fisheries, and had been in communication with the Admiralty and the Treasury upon them. It might be possible to take some steps with a view to better supervision and care of the oyster beds on the coast of Ireland, and if that work were added to the duties of the present Inspectors, there would be greater necessity than at the present time for devoting a steamboat or cutter solely to their service. With regard to the loans made from the Reproductive Loan Fund, they had, according to the Reports of the Inspectors of Fisheries, been punctually repaid; but it was not certain that they had all been applied to the purposes for which they had been made.

In reply to Captain NOLAN,

SIR MICHAEL HICKS - BEACH said, that some difficulty had been felt in Ireland in providing accommodation for lunatics, the existing asylums having proved insufficient, and that the Government were on the point of issuing a Departmental Commission, with the object, among other things, of ascertaining whether any of the workhouses could be used as idiot asylums.

Vote agreed to.

(4.) £300, to complete the sum for the Boundary Survey, Ireland, *agreed to.*

(5.) £1,485, to complete the sum for the Charitable Donations and Bequests Office, Ireland, *agreed to*.

(6.) Motion made, and Question proposed,

“That a sum, not exceeding £95,184, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Local Government Board in Ireland.”

MR. GRAY drew attention to the salaries paid to the Commissioners. The Vice President was paid £2,000, and the Commissioners £1,200 each. He asked the Chief Secretary, if he would inform the Committee what were the particular duties and functions of the Commissioners?

SIR MICHAEL HICKS - BEACH said, the Commissioner to whom the hon. Member seemed particularly to refer was well-known to many hon. Members, and formerly had a seat in the House; but he was unable to say at the moment what the particular duties of his office were.

MR. MELDON moved that the Vote be reduced by the sum of £2,000, the salary of the Vice President of the Board, contending that there was no more unpopular body in Ireland than the Local Government Board, because of their arbitrary conduct towards the local authorities. Owing to their action with reference to the appointment of medical officers, the Public Health Act of 1874 had turned out to be an entire failure.

Motion made, and Question proposed,

“That a sum, not exceeding £93,184, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Local Government Board in Ireland.”—(*Mr. Meldon.*)

MR. PARNELL said the increase in this Vote was entirely due to the augmentation of the salaries of the higher officials in the chief offices.

DR. WARD remarked that the carrying out of the sanitary laws in Ireland was a mere farce, owing to the miserable salaries paid to the medical officers.

MR. GRAY said, the Local Government Board was one of the greatest shames in Ireland. Hon. Members were

apt to think that the Irish Board was a similar Board to the English Board; but while, in England, the Board was composed of a number of gentlemen enjoying the confidence of the country, and had a Representative in the House, the Irish Board was not represented. In Ireland there were three Poor Law Commissioners, who, by the stroke of an Act of Parliament, were converted into a Local Government Board, and to these were added the Chief Secretary and Under Secretary. Of these, the last had absolutely nothing to do; and the function of the Chief Secretary in connection with the Board was confined to answering Questions in the House. The other night the Government expressed a determination not to support sinecure offices—here was an opportunity of carrying out that policy. The only working member of the Board was Sir Alfred Power.

SIR MICHAEL HICKS - BEACH denied that the Irish Local Government Board was a sham, as it had been called by the hon. Member for Tipperary (Mr. Gray). He (Sir Michael Hicks-Beach) did not pretend, as President of the Board, to take any active part in the ordinary details of its administration, but Sir Alfred Power referred all questions of policy to him. Both the English and Irish Local Government Boards performed corresponding duties; but he did not see how the Irish Board could be described as more arbitrary than the English. The difference between the two was, that the Irish Board really existed as a Board, whilst the English consisted, as all knew, of the President alone. The hon. Member for Tipperary was supporting the omission of the salary of the very member who, he said, did all the work. More than three years' official connection with Sir Alfred Power had convinced him that there was no Civil servant more able or more devoted to the Public Service, and he could not conceive anyone acquainted with the duties he performed, seriously objecting to the payment of his salary. With reference to what had been said as to the inadequate pay of the medical officers, he would remind the Committee that on this head there was an increase in the Vote of £1,250, and a considerable increase in respect of the important item of vaccination.

MR. MELDON acknowledged the force of what the right hon. Gentleman had said, and asked leave to withdraw his Amendment. As it was the principle, and not the individual, they wished to protest against, he hoped, however, some other Member would move the reduction of another portion of the Vote.

MR. BIGGAR said, it was the general opinion that the Local Government Board in Ireland worked badly, and that Sir Alfred Power was a dictator. He should like to move the reduction of the Vote by the amount of the salary of some of the officials who did nothing.

Amendment, by leave, *withdrawn*.

Original Question again proposed.

MR. RAMSAY said, that the Treasury ought to have proposed even a larger reduction. There were included salaries for the schoolmasters and mistresses in Ireland. It would be well if the sums voted for the education of pauper children could be included in the Education Estimates.

Motion, by leave, *withdrawn*.

MR. GRAY moved—

“That the Vote be reduced by the sum of £1,200, for the salary of the Hon. Mr. Bellew, one of the Commissioners.”

Following at some distance the example of the Government in reducing the number of sinecures, he hoped to have their support. The right hon. Baronet the Chief Secretary had not denied that this official did nothing for his salary. He did nothing but write a few letters, and he challenged the right hon. Baronet to contradict that statement.

Motion made, and Question proposed,

“That a sum, not exceeding £93,984, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Local Government Board in Ireland.”—(*Mr. Gray*.)

CAPTAIN NOLAN wished to say that many items might also be included in the English Education Vote.

MR. BUTT hoped that something would be done to re-consider the state of this Department.

Question put.

The Committee *divided*: — Ayes 34; Noes 156: Majority 122.—(*Div. List, No. 231.*)

Original Question put, and *agreed to*.

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee to sit again *To-morrow*, at Two of the clock.

POST OFFICE MONEY ORDERS BILL.
(*Mr. William Henry Smith, Lord John Manners.*)

[BILL 212.] SECOND READING.

Order for Second Reading read.

LORD JOHN MANNERS moved that the Bill be now read a second time, the object of which was to facilitate the transmission of money through the post by means of postal notes.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Lord John Manners.*)

SIR JOHN LUBBOCK objected to a measure of so novel and important a character being proceeded with at one o'clock in the morning, when there was nobody present to discuss it. He moved the Adjournment of the Debate.

Motion made, and Question proposed, “That the Debate be now adjourned.”—(*Sir John Lubbock.*)

MR. O. B. DENISON supported the Motion for Adjournment, declaring that the Bill, if passed, would upset all the legislation on which the Bank of England rested, and allow postage notes of any value under £5 to circulate from hand to hand, guaranteed by all the security which the State had to offer.

THE CHANCELLOR OF THE EXCHEQUER assented to the Adjournment of the Debate.

Motion *agreed to*.

Debate *adjourned till Monday next*.

GAME LAWS (SCOTLAND) AMENDMENT BILL.—[BILL 233.]

(*Mr. M'Lagan, Sir William Sterling Maxwell, Sir Edward Colebrooke, Mr. John Maitland.*)

CONSIDERATION OF LORDS' AMENDMENTS.

Order read, for resuming Adjourned Debate on Question [9th July], “That the Amendments made by the Lords to the Bill be now taken into consideration.”

Debate *resumed*.

SIR ALEXANDER GORDON said, that changes had been made in the measure by the House of Lords, by

which the entire scope of the Bill had been altered. When the Bill left this House the sole right to the game was vested in the tenant, as it was in England; but now, as the Bill came back to them, the sole right to the game was the landlord's, by presumption of law. He complained of that alteration, and wished to know why Scotland was to be debarred from a privilege which had been given to England in the year 1831? As the Bill now stood, it would be very easy to evade it. Another change of some importance in the Bill was the striking out of that part of the 4th clause relating to game harboured on the estates of the lessor.

MR. SPEAKER said, the hon. Member would have an opportunity of speaking to the Amendments as they arose.

SIR ALEXANDER GORDON moved to disagree with the Lords' Amendments.

MR. M'LAGAN urged that the Amendments made by the other House made no practical difference.

SIR GRAHAM MONTGOMERY thought that the alterations would not affect the Bill, and he was prepared to support them.

Motion negatived.

Lords Amendments agreed to, as far as the Amendment, in page 2, line 22.

Amendment, in page 2, line 25, to leave out from the word "game," to the word "in," in line 26, and insert the words "to which the lessor may have reserved or retained the sole right," the next Amendment, read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."

SIR ALEXANDER GORDON moved the rejection of the Amendment.

MR. MARK STEWART seconded the Motion.

MR. M'LAGAN defended the alterations which had been made in the Bill, and pointed out that it had only been changed back to what really was its original form.

Question put.

The House divided:—Ayes 68; Noes 8; Majority 60.—(Div. List, No. 232.)

Subsequent Amendments agreed to, with Amendments, and with a Consequential Amendment to the Bill.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 13th July, 1877.

MINUTES.—PUBLIC BILLS—*Second Reading*—Forfeiture Relief* (20), *discharged*; General Police and Improvement (Scotland) Provisional Order Confirmation (Leith)* (137); Saint Stephen's Green (Dublin)* (134).

Committee—Universities of Oxford and Cambridge (*re-comm.*) (138-136).

Committee—Report—Local Government Provisional Order (Sewage)* (136); General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow)* (135); Colonial Fortifications* (133).

Report—Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings)* (139).

SOCIETY OF THE HOLY CROSS.

OBSERVATION.

LORD ORANMORE AND BROWNE announced that the Rev. E. Hermann Cross—to whose appointment by the Lord Chancellor to St. Michael's, Lewes, he had called attention a few days back—had severed his connection with the Society of the Holy Cross, and desired, on behalf of the parishioners of St. Michael's, to thank the Lord Chancellor and the Bishop of Chichester for having used their influence to this desirable end.

UNIVERSITIES OF OXFORD AND CAMBRIDGE BILL—(Nos. 114, 138.)

(*The Marquess of Salisbury.*)

COMMITTEE (ON RE-COMMITMENT).

House in Committee (on Re-commitment), according to Order.

Preliminary.

Clauses 1 and 2 agreed to.

Commissioners.

Clauses 3 to 6 agreed to, with Amendments.

Duration: Proceedings.

Clauses 7 to 10 agreed to, with Amendments.

Statutes for Universities and Colleges.

Clauses 11 to 14 *agreed to*, with Amendments.

Clause. 15 (Provision for education, religion, &c.)

EARL GRANVILLE rose to move the addition of the words—

“And that they (the Commissioners) shall make or continue such provision as they think necessary for the purposes of religious instruction and worship in the University or College; and after making such provision they shall, as regards all University or College emoluments or offices, have regard to the insuring, and shall make such statutes as are necessary for the insuring the same being conferred according to personal merit and fitness; and (except in so far as is requisite for the purposes of religious instruction and worship) none of the tests, conditions, or obligations referred to in the third section of the Universities Tests Act, 1871, or in the provisos thereto, shall be imposed or continued as part of the conditions of eligibility to or of tenure of any University or College emolument or office.”

This Amendment was the same as that which he proposed last year, and which was then rejected. The numbers of the division on that occasion, however, compared with the normal majority which generally supported the Government, showed that his proposal was not viewed with great disfavour by the House; and although the noble Marquess (the Marquess of Salisbury) who then had, as now, charge of the Bill, took high ground in objecting to the whole of the proposal to remove clerical restrictions, he proposed and carried at a subsequent stage of the Bill an Amendment which he claimed to be considered as a partial concession to his (Earl Granville's) views. The statistics connected with the clerical Fellowships were somewhat complicated as regarded both Universities, and he should not refer to them further than was necessary to explain his case. At Cambridge there were, in one sense of the word, only 13 Clerical Fellowships—Fellowships to which from the first clergymen alone were eligible. But there were 52 Fellowships which must be held by clergymen; the difference being that the 13 were definite Fellowships, not liberated by any number of other Fellowships being held by clergymen. But, beyond the 52, the vast majority of Fellowships were subject to clerical restrictions. He was told—but he spoke subject to the correction of the noble Duke the Chancellor of the Uni-

versity of Cambridge—that there were 350 Fellowships at Cambridge, of which 52 were clerical, 99 open, 16 lay, and 183 neither clerical nor strictly open, but open Fellowships, the tenure of which was limited by a clerical privilege. In short, at Cambridge there were 115 Fellowships not subject to clerical restrictions, and 235 subject to them. At Oxford the case was this—There were nine Clerical Fellowships at Queens', at Lincoln they were all so but two, at Brasenose there were six; at St. John's, and some others, only one-third might be held by laymen; at Christ Church, out of 26 forming the Governing Body, only seven could be laymen. There were in Oxford 116 clerical Fellowships, with a larger number affected by clerical restrictions. There were three ways in which the Clerical Fellowships to which he had adverted worked. In the first place, there were those to which only men who were already in Holy Orders could be elected. This, of course, greatly limited competition; because, as a rule, men were elected to Fellowships at an earlier age than it was competent for them to enter into Orders. In the second place, there were Fellowships to which candidates might be elected who, although not in Orders, made a declaration of their intention to take Holy Orders. This was a premium on making such declarations, limiting competition in a considerable but less degree than the first. In the third place, men might be elected to Fellowships which were vacated if the holder did not take Orders within, say, three or some other limited number of years. This limited the competition without ensuring that the man elected should go into orders. An abuse arose out of it, popularly called “going in on the three years' system.” The question to which he wished to draw the attention of their Lordships was this:—Were the Clerical Headships and Clerical Fellowships advantageous to the Fellow himself, to the College, to the Church of England, or to the community at large? He believed they were not. As regarded the young man who was a candidate for the Fellowship, it was absolutely injurious. A pecuniary temptation was offered to him to accept with indifference a test which ought to be accepted only after long and due consideration—the important step of devoting themselves to the Christian ministry—and, while it

acted as a *quasi-bribe* to some, it acted as a discouragement to others who were more scrupulous. They dreaded the imputation of having been influenced by the temptation of a Fellowship easily obtained, and they mistrusted their own motives in becoming a candidate. These conditions were injurious to the Colleges, because they narrowed their power of selecting the best men for teachers. When he spoke on this point on the second reading, some Members of the Episcopal Bench deprecated the notion that Clerical Fellowships were in any degree inferior to Lay Fellows. He was not able to give any opinion as to how the case might be now; but that that should be a normal rule appeared to be impossible. Was it likely that in the long run men who beat only a limited number of competitors should be equal to those who had beaten the whole world? It was notorious that many of our most able scholars had been precluded from offering themselves as candidates by these clerical restrictions. He was told that, on an average, where four or five competed for a Clerical Fellowship, 18 or 20 competed for one which was open. As to Headships, it was often most injurious. There were not unfrequently more than one man who were pre-eminent in merit, who were passed over, when a much inferior candidate was by that rule necessarily chosen for a position which ought to have great influence both on the College and the University. As to the advantage which the Church of England derived from the system, he had only to repeat what he had already said as to the encouragement which that system gave to the indifferent prematurely to enter a holy profession, and the discouragement which it placed upon some of the most scrupulous and conscientious. It might be said that if they abolished these Clerical Fellowships, there would not be a sufficient supply of candidates for Orders. But the right rev. Prelate who presided over the diocese of Oxford gave his opinion last year that the number of candidates for Holy Orders would not be diminished at all by such a proceeding. As to the community at large, was it not desirable, while they provided for due religious instruction on the one hand, that they should endeavour, on the other, to obtain the best men possible for the government and teaching of the Univer-

sities? And whereas it was desirable for the community at large, as well as for the Universities themselves, that these important institutions should be of a national character, did they contribute to that end, when they reserved more than one-half of the prizes for a limited class of one denomination, excluding all the laity of that great denomination and the whole of those who did not conform to the doctrines of the Church of England? What were the arguments against his proposal? The argument held last year by the noble Marquess in charge of the Bill—but which he was not aware was held by any other Member of the Government—was that the present system was good in itself, because it was necessary to check the progress of atheism in the University. [The Marquess of SALISBURY dissented.] The noble Marquess discarded the argument of its being advantageous to the Church of England; he stated it was necessary in the cause of religion itself. Now, if that argument was sound, in order to be consistent with it, instead of at a subsequent stage giving up the Headships of Colleges, as he had since done, to the tender mercies of the Commissioners, the noble Marquess ought rather to have saved the Clerical Fellows from the possibility of being tampered with by that body. But was the argument sound? Had it never been used before? When it was proposed some years ago to relieve young men of 16, 17, and 18 years of age from the necessity of pledging their faith in the most solemn manner to the complicated theological details of the Thirty-nine Articles, was it not urged that such a relief would at once introduce atheism into the University? Could anyone say that, whatever might be the freedom of religious discussion at the Universities at the present time, atheism had been in the least promoted by the admission of Nonconformists to them? He was told on the highest authority that that was not the case. On the other hand, if freethinking had increased in the University of Oxford, could it be denied that increase had been coincident with that extension and development of clerical degrees which had occurred during the last quarter of a century? If the evil existed, the remedy in new and greater doses had not proved to be efficacious. He was not one who was ready

to admit that all sincere, moral, and religious feeling was monopolized by the Clergy, however estimable that profession might be. There was one consideration with regard to the Clerical Fellows, and the moral and religious influence which they might be supposed to exercise from being on the Governing Body of the Colleges, which ought not to be overlooked. They were not, as a rule, clergymen who had training in the practical work of their profession. They had not the experience of men and things, looking at them from a religious point of view, which clergymen holding cures in London, in our provincial towns, and some of the large rural parishes had. A portion of them laboured, often unjustly, under the imputation of having yielded to the pecuniary temptation offered by the Fellowships to enter into Holy Orders. Others were more full of questions of dogma than of practical religious and moral life. Some were apt to attach great and undue importance to the rights and obligations of the priesthood—a state of things which tended to repel rather than attract a large proportion of the Undergraduates; while it, perhaps, influenced in a manner which might not altogether be wholesome a small portion of intellectual and conscientious men. Was it not conceivable that the influence of a layman of ability and of sincerely religious views at the Head of a College or belonging to its Governing Body might not have a much greater influence from the very fact of its being more readily and with less suspicion accepted by the general body of young men? But all that argument, whatever it might be worth, rather assumed that his Amendment would exclude the clerical element from the Fellowships of the University. He believed it would do no such thing. If it was contended that it would do so, it must then be admitted that those who were in orders or intended to enter them were inferior in ability and intellectual training. There were now men intended for the Church who *honoris causa* competed for the open Fellowships. There were others who had obtained such open Fellowships who subsequently entered into Holy Orders, although under no obligation to do so. The number of these would necessarily increase with the abolition of Clerical Fellowships. Such men were more likely to use real

influence than those to whom some suspicion of inferiority attached. But there was another objection to his Amendment which, if he might judge from what had happened in "another place," was likely to be urged in their Lordships' House—that, without defending the present state of things, the question of Clerical Headships and of Clerical Fellowships ought to be left to the unrestricted judgment of the Commissioners. Now, he had nothing to say against the present composition of the Commission. In some he had the highest confidence—and he had heard objections made to one of the two names which had been added which on good authority he believed to be not well founded. There was one thing which he regretted, but to which he did not wish to attach undue importance. It was that there was no Commissioner who had not been a member of the University. A little fresh blood might have been of use. But he had confidence that the present Commission would discharge their duties with prudence and liberality; and he had therefore not raised any objection to the wide discretion that had been given them to deal with all the details of finance and of University teaching and discipline. But the point raised by his Amendment was not one of practical details requiring special knowledge. It was one of principle—one with which Parliament was competent to deal, one on which it was bound to give some indication of its views to the Commissioners, and one the responsibility of which it was not entitled to shift from its own shoulders to those of the Commission. In asking the House to do that he was not without authority; and he could not be accused of wantonly proposing an injury to the Church or to the University. The most rev. Primate, although he preferred leaving the matter to the Commissioners, stated last year that he apprehended no danger from such a change. Another Member of the Episcopal Bench said the same thing. A Petition was presented to "another place" in favour of such an Amendment which was signed at Oxford by four heads of Colleges, one acting Head, nine Professors, 96 Fellows, 11 class Fellows, all resident; 45 College tutors, and 44 lecturers. Among the above were to be found 32 clergymen. The great majority of those who signed a

Earl Granville

counter memorial were clergymen. He trusted he had said enough to show that he had some reason and some authority in favour of the course which he proposed to their Lordships; and although, if Her Majesty's Government opposed it, he had no chance of a majority, he trusted that there would be, as there had been to a remarkable degree in "another place," evidence of no inconsiderable feeling on the part of their Lordships being in favour of the proposal.

An Amendment moved,

To add at the end of the clause the following words ("and they shall make or continue such provision as they think necessary for the purposes of religious instruction and worship in the University or College; and after making such provision, they shall, as regards all University or College emoluments or offices, have regard to the ensuring and shall make such statutes as are necessary for the ensuring the same being conferred according to personal merit and fitness; and (except in so far as is requisite for the purposes of religious instruction and worship) none of the tests, conditions, or obligations referred to in the third section of the Universities Tests Act, 1871, or in the provisions thereto, shall be imposed or continued as part of the conditions of eligibility to or of tenure of any University or College emolument or office.")—
(*The Earl Granville.*)

THE MARQUESS OF SALISBURY said, the noble Earl (Earl Granville) commenced his speech by reciting the number of clerical Fellowships which existed in the two Universities, and dwelt upon that consideration with some earnestness. Again, he dwelt upon their unequal distribution, and upon other details affecting the mode in which this principle was applied in the Universities. He (the Marquess of Salisbury) was not careful to answer him upon that matter, because it really had no connection with the Motion he had made. In this Bill they placed the most absolute confidence in the Commission. They gave them the power of dealing with Clerical Fellowships as well as all other Fellowships—that was to say, of determining whether there were too many in particular Colleges for the purposes which the statutes had in view: and they gave them the power in extreme cases—he did not expect they would ever exercise it—of dispensing with Clerical Fellowships in any particular College altogether. But what the noble Earl proposed by his Amendment

was not to reform any evil which he pointed out. What he proposed to do was to take this question out of the general category of all the questions mentioned in the Bill, and to make it an exception to the mode in which they dealt with the Commission; upon this point, and upon this point only, they were not to trust the Commission—upon this point, and upon this point only, they were themselves to enter into details from which they had otherwise abstained, and say that they would force a particular policy upon the Commission, whether the Commission thought it wise or not. Considering the great legal advice which the noble Earl and his friends probably had the advantage of employing, he was rather surprised at the words in which the noble Earl proposed to carry out the object he had in view. He told them that he proposed to enact, in the first place, that no office or emolument should be held at any University or College on any other terms but those of personal merit and fitness. Now, those words "personal merit and fitness" had obtained a technical meaning. They were inserted in the statute of 1854, and were the basis on which rested that system of open competition by which all Fellowships in the University of Oxford were given. But they were used with reference to the system of local preferences which then existed to a great extent; and in that sense the words "personal merit and fitness," on a competitive examination, had a very distinct meaning. They were applied to Fellowships alone. But now the noble Earl proposed to apply them to all offices or emoluments in a University or College. That would include such emoluments as, for instance, the Bampton Lectureship, and if the noble Earl's Motion were agreed to, the Bampton Lecturer would have to be elected by competitive examination. He was not sure that that was not the noble Earl's meaning, as his speech betrayed such an intense belief in competitive examination. The noble Earl repeatedly dwelt upon the evils of Clerical Fellowship, because, he said, if they were not first in competitive examination, inferior men for the purposes of College Government would necessarily be preferred to superior men. Now, the foundation of that philosophy was that the effort of memory

required in order to obtain the first place in a competitive examination was a guarantee that a man had all the moral virtues and other qualifications enabling a man to become a governor of men. That was an idea which the noble Earl shared with few people at the present day. Having made so sweeping an enactment, the noble Earl proposed to provide an exception which was equally sweeping and very vague. He said, "except in so far as is requisite for purposes of religious instruction and worship." Now, of course those words were as vague as possible; because a person who believed thoroughly in the advantage of having a clerical element in the education and government of youth would say that the whole of the existing system was requisite "for the purpose of religious instruction and worship." He was quite sure that the proposal of the noble Earl would cause great difficulties to the Commissioners and great heart-burnings in the Universities. The words proposed by the noble Earl would, he thought, to the ordinary reader bear the meaning that the noble Earl would not allow any emolument or office to be connected with Holy Orders unless in a particular case religious instruction and worship could not be carried on without it. Now, the first thing which he (the Marquess of Salisbury) would press upon their Lordships was to consider the question with reference to the whole doctrine of endowments. Undoubtedly in the present day we had dealt much more freely with endowments than our forefathers would have done; but we had always desired to maintain, at least as far as the change in circumstances would allow, the same regard to the intention of those from whom the endowments originally came. Now, if there was one thing certain about these endowments, it was that the foremost object in the minds of all the donors was the promotion of religious instruction and worship. That was true not only in the old Roman Catholic times—we had Colleges founded since the Reformation, and a number of lectureships; and he might say that in the great majority of cases the prime object of the Founder was religious instruction. Well, now, what was proposed? Not that their Lordships should alter and modify according to the wants of the day the original provisions of

those from whom these foundations came, but that they should take the whole of them and say that the one thing they would not allow was that there should be required any religious element in the government and guardianship of youth. Why, the Founders would have recoiled from any such proposal. Their Lordships could not deal with this question according to the exigency or fancy of the moment, and imagine that they had done with it. It would beget a long line of similar measures in future. With respect to endowments, in dealing with this question they must determine the principle on which they could regard the wishes of the Founders; and they would find that if they accepted the proposal of the noble Earl they would not merely modify the terms, but diametrically contradict and overrule the whole spirit with which these foundations were established from the earliest to the latest ages; and they would find that the precedent would cling to endowments in future. They were driven to accept one of two alternatives—either to accept the principle laid down by the noble Earl, by which endowments would be rendered altogether untrustworthy or impossible, or to take at the bidding of a very advanced Party their very advanced view of the value and utility of ministers of religion. He pressed upon the House this question of endowments, because it was one which, in dealing with the Universities, necessarily came before them, and to prevent precedents on this subject being made for the future. They must not, however, regard this question merely as being one of endowments. These were living institutions, each having a certain work to do, and performing it nobly and successfully. They were great national institutions, existing not for their own sake, but for that of the nation which benefited by them; and they were institutions in which the cultivated classes of this country received their highest education. If these Colleges were the educational establishments of the country, those who held the Fellowships were—if he might use the expression with bated breath, lest any such might be present—the schoolmasters of those educational establishments; and what it was proposed to the House to say was, that while every other qualification might be required by the Commissioners with regard to these schoolmasters, the one

which should not be required of them was that they should be ministers of religion. He wanted to know how such legislation as that would be regarded by the parents of this country? The Commissioners might constitute their Governing Bodies as they pleased. They might determine that one Fellow should possess a certain amount of mathematical learning—they might—although he did not recommend that they should do so—require that a particular Fellowship should be held by a Q.C., in order that the study of the law might be properly superintended—or they might require that another should be held by a physician who should superintend the study of the science of medicine; but over one branch of study they were to have no power and no jurisdiction; they were to be forbidden to require that those who were to have the guardianship of the morality and the discipline of the Colleges should be qualified for exercising such office by having entered into Holy Orders. What would the parents of this country think of such an arrangement? Their Lordships must not merely ask themselves what their own opinion on the subject was. They must think of themselves, when dealing with the great educational establishments of the nation, as representing the great constituency of parents. What did the parents themselves do in this matter? Did they carefully avoid employing the clergy in educating their children? Did they seek lay teachers in preference to ministers of religion? Did they regard the latter as though they were something dangerous, and to be avoided? Did they desire that teachers should be selected for them by competitive examination, or did they prefer to have a clergyman whom they trusted? Whatever might have been the progress of our views, this, at least, remained unchanged—that the parents all over the country—at least, in the vast majority of cases—selected ministers of religion to superintend the education of their sons. But their Lordships were now asked to say that the Commissioners should not have power to do that which the parents forced upon the schools by the law of supply and demand, and that to entrust a clergyman with the education of children was so horrible a thing, that Parliament could not permit it to be done. It was necessary also to keep in view the interests

of the Colleges in this matter. The Colleges had no longer a monopoly of education at the Universities. A new College had sprung up—and not only a new College, but a race of *non adscripti*, who were increasing so rapidly in numbers as to compete with the old Colleges. What had been the tendency in this matter? Their Lordships were aware that a College had lately been erected on a totally different system on account of this very danger of Parliamentary interference, and that in it the superintendence of education by the clergy and laymen deeply interested in religion was secured in such a manner that Parliament had no power to interfere. He did not say whether that system was right or wrong; but what he wished to point out was that the College was marvellously successful, its rooms being filled as fast as they could be constructed. Was this not a proof that the old Colleges were in danger from a competition which might reduce them from the high position which they had hitherto occupied, and that that competition would be strengthened by such legislation as their Lordships were now asked to approve? He therefore urged that for the sake of the Colleges themselves their Lordships ought not to take this power of appointing clergymen to Fellowships out of the hands of the Commissioners; but should leave it to them to determine to what extent and under what conditions and modifications the system of Clerical Fellowships should continue to exist. Before he sat down he wished to draw their Lordships' attention to another matter that would be involved by putting this exceptional provision into the Bill. If this had been a measure full of details, and if it had gone carefully into every subject, there might have been no special insult involved to any particular class, or to any particular set of opinions, by enacting that Clerical Fellowships should no longer continue to exist; but by having carefully abstained all through the Bill from entering into any sort of detail, and by having left the Commissioners entirely free except on this point, a special brand was placed upon the Clergy, and their Lordships must consider how the Clergy and the Laity of the country would look upon what was so marked an exhibition of legislative displeasure. It was a very dangerous thing, as the

experience of this and of other countries had shown, to attempt to interfere by legislative action with religious influences, the only result being that the religious influences became more antagonistic, more narrow, and more powerful. The strength of the Clergy of the Church of England up to this time had been that they had been with the Laity subjects of a common Sovereign and fellow-countrymen with them of a common country, and that therefore they had never been marked out as a special class. But no one could doubt that in some degree at least this state of things was not so conspicuous as it was a few years ago; and it might be that the constant legislation of Parliament during the past quarter of a century had driven the Clergy to herd together and to render them less subject to the influences of the sentiments and the feelings which were common to us all. Nothing could be more dangerous to the interests of religion than that the Clergy should be segregated into a body apart from the rest of us. But if we were to avoid that, we must avoid expressions of hostility and ill-will towards them such as this exceptional legislation, and their Lordships must avoid recording in the Statute Book that the influence of the Clergy was an evil to be put down. He therefore earnestly hoped their Lordships would refuse to accept this clause, which would increase the danger he had adverted to, and would widen the chasm between the Clergy and the Laity, while it would overweight the Colleges in their competition with other sources of learning, and would render them less fit to fulfil their high duty, which up to this time they had fulfilled with such brilliant and admirable results, to the best interests of the nation at large.

THE EARL OF MORLEY said, the noble Marquess (the Marquess of Salisbury) had objected to the word "emolument" as covering a great many things, which he was certain his noble Friend who had moved the Amendment never intended it to cover. But the question at issue was not one of detail, but of principle; and it was not fair to the Commissioners, nor was it consistent with the dignity of Parliament, to leave to the discretion of the Commissioners a question like this—which was not only a question of principle, but of very important principle. Upon such a ques-

tion it was of the utmost importance that the voice of Parliament on the point should be so distinct as to guide the Commissioners in the task which they had to perform. The speech of the noble Marquess in charge of the Bill seemed to have underlying it a misunderstanding of the motives which actuated the noble Earl whose Amendment was under consideration. As far as he could see there was no ground for the suggestion that the Amendment proposed would involve either an insult upon, or a segregation of the clergy. The Amendment was one of comprehension, and not of exclusion. It did not exclude the clerical Fellow; all it did abolish was the compulsory restriction of Holy Orders. The noble Marquess had proceeded to refer to the subject of endowments; but if the doctrine laid down by the noble Marquess were carried into effect in legislation generally, hardly any changes whatever would be made in the Universities. If anything affected endowments it was the Tests Act, and the corollary of that Act was the Amendment now proposed by his noble Friend. The Clerical Fellowships confused, in a most objectionable manner, the two objects sought to be attained by the Amendment—namely, the qualifications for the Fellowships and provision for religious services and religious education. But the Amendment, if passed, while it made ample provision for religious teaching in the Universities, would have the effect simply of providing that the men elected to Fellowships should, before election, have shown themselves to be possessed of merit. If, therefore, clerical members of the Universities presented themselves for examination and proved that they were competent, they would have equal chances of Fellowships with any of the other candidates who might desire similar positions. The noble Marquess, he must venture to say, had a rather low idea of those whom he had endeavoured to defend, if he thought the clergy would seldom possess sufficient personal merit and fitness for Fellowships. He could not help thinking that the adoption of the proposal as it stood in the Bill would be disadvantageous to the Universities, to the Church, and to the country at large, and he hoped their Lordships would accept his noble Friend's Amendment.

The Marquess of Salisbury

THE BISHOP OF LONDON said, he did not doubt the capacity of the Commissioners to deal with this question; but, in his view, there were but two ways in which the forms and services of the Church and religious instruction could be secured in the Colleges—that was, either by College chaplains, or by clerical Fellows. He thought no Member of their Lordships' House would be prepared to say that it would be wise to entrust the religious instruction in the Universities to chaplains who were not Fellows. It was not to be supposed that the influence of a chaplain so appointed would equal that of a clerical Fellow who had won his Fellowship by merit. He admitted that inconvenience might arise out of the present system, and it was possible that a young man might now and then take Holy Orders from the low motive referred to—that of keeping their Fellowships. Such cases were, however, rare; it might be that sometimes men were admitted into the Governing Body of a College by reason of this restriction who were of somewhat inferior acquirements to others; but this evil, whatever it was, was not to be weighed against the evil which would result from leaving the Colleges at times without any religious instruction to be given by one who, from his position and character, and for the honours he had won, was calculated to have influence with those whom he taught. The state of the case would, he believed, be better if, instead of religious Fellowships, the Colleges were provided with theological Fellowships. Theology was a science, and the University of Oxford had no less than six Professors to teach it. If Mathematics had its Fellowships, why should not Theology also? He trusted their Lordships would not accept the Amendment of the noble Earl. The Bill provided the Commissioners with ample powers, and surely it would be wiser, instead of laying down a hard-and-fast principle, to allow them to provide for the religious instruction and worship of the Colleges in such way as to them might seem best?

LORD CARLINGFORD hoped that the fears entertained by the right rev. Prelate were not generally entertained by their Lordships. The right rev. Prelate would see that, under the Amendment of his noble Friend, the Commissioners would be at liberty to retain as

many Clerical Fellowships as they pleased for the purpose, but only for the purpose mentioned in the Proviso. The noble Marquess opposite (the Marquess of Salisbury), maintaining and exalting the discretion of the Commissioners, left them free to retain a certain number of those Fellowships, while he evidently desired that they should do away with an unstated number of them in cases where they considered the number to be too many. His noble Friend (Earl Granville) on the other hand, stated the reasons owing to which the Commissioners would be at liberty to retain whatever number of those Fellowships they might think fit. The noble Marquess desired a certain number of these Fellowships to be retained in order to counteract the sceptical and anti-Christian elements. That was a ground which they on that side of the House were not able to take up. Their wish was to provide for religious teaching and worship in the Colleges, and that done, that the residue of the clerical Fellowships should be thrown open. The arguments argued by the noble Marquess against the Amendment came on too late—the greater part would apply quite as much to the abolition of tests as to the retention of these Fellowships. A great many members of the Church of England entertained strong objections to the retention of these clerical Fellowships, even supposing the Universities had remained open exclusively to members of the Church of England. But now that they had ceased to be purely ecclesiastical institutions—now that the law had thrown them open to all comers—he submitted it was too late to use the arguments they had heard from noble Lords opposite. When Parliament had done what it had for the Universities—when it had thrown them open to all Englishmen, irrespective of creed or Church—he submitted it was in the highest degree inconsistent to require that any of the holders of offices or emoluments within them should not only be members of one particular Church, but that the acceptance of Holy Orders in that Church should be made the absolute condition for the retention of a large number of the most valuable prizes and rewards in the Colleges.

THE EARL OF CARNARVON said, the question before their Lordships had been so often discussed that most of the

arguments used were familiar to them all. The objections raised on the present occasion had not been directed so much against the existence of clerical officers in the Universities, but it had been asserted that these clerical Fellowships were bribes to men to enter the Church who would otherwise have chosen some other profession. That might have been so when two-thirds of the Fellowships were in the hands of the Clergy; but the wide opening of the field to laymen had removed any inducement there might have been to a man to take Holy Orders in order to retain his Fellowship. There were two questions to consider—first, whether any disadvantage could be shown to exist under the present system; and, secondly, whether this was the proper time and place to discuss the expediency of a change? For his part, he was not disposed to pitch the advantages too high. He was not prepared to say that these Fellowships were absolute guarantees or securities of a Christian education. What he did say was, that the presence of a certain number of Fellows who were in Holy Orders in the Governing Body was a security—so far as in these things there could be any security—that Christianity would be a main consideration, and that they would exercise over the young men committed to their charge that influence which this House desired, which Parliament desired, and which undoubtedly every parent desired to see exercised. The noble Lord who preceded him (Lord Carlingford) spoke of the Universities as having long ago ceased to be ecclesiastical bodies. He would venture to say rather that the Universities were still bound up with the Church of England, although perfectly open to Dissenters; and he believed this was understood by the country to be the case. That being so, it was only reasonable that there should be some members of the Colleges directly connected with the Church of England. Their Lordships would remember that during the last few years the University of Oxford had established honour schools in Divinity. This was an additional reason for having a number of Fellows in Holy Orders. It was desirable, moreover, that the services of the College chapels should be performed by members of the Colleges, and not by outsiders. To go a step

further—he could not help thinking that in the mingling together of Clergy and Laity in the Colleges of the Universities there had been up to this time a combination of the highest possible advantage to both. If the proposed Amendment were passed it would certainly cause a considerable change. It would lead, if not to the entire elimination, at all events to a great reduction of the clerical Fellowships. There could be no doubt that hitherto a very large proportion of these Fellowships had been given to cultivated men, who had exercised an influence which could hardly be over-estimated; and, for his part, he thought it would be wise to retain some security in the future, as in the past, that men of character and position were chosen as members of the Governing Bodies of the Colleges. These were reasons—indirect reasons, he granted—why their Lordships should pause before adopting the Amendment which had been proposed. But the main question involved in this discussion was, it seemed to him, whether they had confidence in the Commissioners who were to be appointed. It was admitted on both sides of the House that the Commissioners were men of eminence and well fitted to discharge the serious duties imposed on them. To them it was proposed to entrust very extensive powers with reference to discipline, study, and other matters. Now, the matter at present under consideration was a matter of detail. It could not be said to be of more importance than discipline or study. Why, then, should this one question be prejudged? Why should Parliament deny itself the opportunity of hearing the Commissioners' views upon it? Why should Parliament seem to imply in this matter a certain distrust of the judgment of the Commissioners? If, after hearing all the evidence, the Commissioners should condemn the continuance of the present system, well and good; there would be an end of the whole controversy. If, on the other hand, they should decide in favour of retaining the system, their Lordships would not be debarred from dealing with the question. The Commissioners might take a middle course and propose to lessen the proportion of the clerical Fellowships. In that event, as in any other, Parliament would be equally at liberty to re-consider the

whole question. Whatever might be the merits of the question in itself—and he thought the bulk of the arguments advanced had been rather in favour than against clerical Fellowships—one thing was clear, and that was that the noble Earl (Earl Granville) proposed to allow the Commissioners the full exercise of their discretion, and yet at the last moment stepped in and robbed them of that power—thereby implying, as he (the Earl of Carnarvon) thought, a certain distrust of their judgment.

VISCOUNT CARDWELL said, as the House was evidently ready for a division, he would only detain it for a few moments to say that the concluding remarks of the noble Earl opposite (the Earl of Carnarvon) showed a misapprehension of the purport and purpose of the Amendment. The Amendment expressly left to the Commissioners all the powers they could possibly require for the purpose of making or continuing all the regulations necessary for proper and sufficient religious instruction. This Amendment did not abolish clerical Fellowships, because clergymen might, by their personal merit, obtain them against laymen; but it did abolish the special privileges given to the clergy. The question really was—whether this ought to be done by Parliament or by the Commissioners? Now, a great general principle was involved in this, and his noble Friend proposed, by his Amendment, to embody it in the Act of Parliament, leaving to the Commissioners full power to provide for the religious wants of the different Colleges. To his mind that was precisely a question which should be settled by the action of Parliament.

THE BISHOP OF OXFORD said, he desired clearly to understand what the purpose of the Amendment was. The noble Viscount had said that the House was prepared to divide; but, unless he knew the meaning of that upon which they were going to divide, he must necessarily vote against it. He did not gather from the speech of the noble Earl who had moved the Amendment that his object was what the observations of the noble Viscount who had just spoken and of the noble Earl who had preceded him represented it to be—namely, that the Commissioners should have power to retain as many clerical Fellowships as they might deem necessary for religious instruction and worship. If that was

the meaning of the Amendment, he was quite prepared to vote for it; but he did not read it in that sense. The difficulty which presented itself to his mind was this—that in certain Colleges, if the clerical Fellowships no longer existed, no clergyman—he was afraid he must say, no very decided Christian—would ever be elected. It was perfectly well known in the University of Oxford that there were some Colleges where a decidedly Christian man would not stand a fair chance. There were other prejudices besides clerical prejudices in the world, and certain philosophers liked to have in the Colleges to which they belonged a decided majority of men of their own opinion. Now, by keeping so many clerical Fellowships as were required for the purpose of religious instruction and worship, it was provided that a religious voice should be heard in the various Colleges—not that the Chaplain should steal in at the time of prayers, and then betake himself to his lodgings, but that there should be a clerical representative who could boldly assert himself. Some of their Lordships seemed to forget how very small bodies some of the Colleges were. They might consist of six or seven—a physiologist, a mathematician or two, and somebody else—and he did not know that those persons were in all cases proper guides for the youths who came up to them from school. The whole status of the Colleges had been altered—the College of the future was to be an Act of Parliament boarding school. The old character impressed upon the Colleges by their founders was changed, and a new kind of thing—Act of Parliament boarding houses—created, and they were bound to make some provision for the Christian and moral care and culture of the pupils. A noble Lord had said that laymen ought to be as good Christians as clergymen; but, if so, such laymen would in some Colleges have no chance. He would not detain the House further than to ask for some explanation.

EARL GRANVILLE said, he was well satisfied with the discussion that had taken place—it did not appear to require from him many words in way of reply. He wished, however, to rectify an omission he had made in stating the case in respect of the Amendment. Under the Amendment a sufficient number of clerical Fellowships would be retained for

religious instruction and worship; after which all Fellowships *quod* Fellowships would be open. It would, however, be in the discretion of the Commissioners to provide an additional clerical Fellowship or two in any of the Colleges.

On Question? Their Lordships *divided*:—Contents 69; Not-Contents 103: Majority 34.

CONTENTS.

Devonshire, D.	Carrington, L.
Grafton, D.	Chesham, L.
Saint Albans, D.	Churchill, L.
Somerset, D.	Crewe, L.
	De Mauley, L.
Ailesbury, M.	Dinevor, L.
Lansdowne, M.	Foley, L.
Northampton, M.	Hammond, L.
	Hare, L. (<i>E. Listowel</i> .)
Abingdon, E.	Hatherley, L.
Airlie, E.	Hatherton, L.
Camperdown, E.	Kenry, L. (<i>E. Dunraven and Mount-Earl</i> .)
Cawdor, E.	Lawrence, L.
Chichester, E.	Leigh, L.
Cowper, E.	Lovat, L.
Ducie, E.	Lyveden, L.
Fortescue, E.	Monson, L. [<i>Teller</i> .]
Granville, E.	Monteagle of Brandon, L.
Ilchester, E.	Mostyn, L.
Kimberley, E.	O'Hagan, L.
Minto, E.	Ponsonby, L. (<i>E. Bessborough</i> .)
Morley, E.	Robartes, L.
Northbrook, E.	Romilly, L.
Spencer, E.	Rosebery, L. (<i>E. Rosebery</i> .)
Sydney, E.	Rossie, L. (<i>L. Kinnaird</i> .)
	Sandhurst, L.
Cardwell, V.	Seaton, L.
Eversley, V.	Sherborne, L.
Falmouth, V.	Somerton, L. (<i>E. Northampton</i> .)
Leinster, V. (<i>D. Leinster</i> .)	Strafford, L. (<i>V. Enfield</i> .)
	Stratheden and Campbell, L.
Oxford, L. Bp.	Sudeley, L.
Barrogill, L. (<i>E. Caithness</i> .)	Vernon, L.
Beaumont, L.	Waveney, L.
Boyle, L. (<i>E. Cork and Orrery</i> .) [<i>Teller</i> .]	Wolverton, L.
Camoy, L.	
Carew, L.	
Carlingford, L.	

NOT-CONTENTS.

Cairns, L. (<i>L. Chancellor</i> .)	Winchester, M.
Marlborough, D.	Amherst, E.
Northumberland, D.	Bantry, E.
Richmond, D.	Bathurst, E.
Wellington, D.	Beaconsfield, E.
	Beauchamp, E.
Abergavenny, M.	Bradford, E.
Bath, M.	Cadogan, E.
Bristol, M.	Carnarvon, E.
Hertford, M.	Clonmell, E.
Salisbury, M.	De La Warr, E.

Earl Granville

Doncaster, E. (<i>D. Buccleuch and Queensberry</i> .)	Colchester, L.
Feversham, E.	Crofton, L.
Harewood, E.	Delamere, L.
Harrowby, E.	DeL'Isle and Dudley, L.
Jersey, E.	Denman, L.
Lindsey, E.	de Ros, L. [<i>Teller</i> .]
Mansfield, E.	De Saumarez, L.
Morton, E.	Digby, L.
Mount Edgcumbe, E.	Dunmore, L. (<i>E. Dunmore</i> .)
Nelson, E.	Egerton, L.
Powis, E.	Ellenborough, L.
Rosslyn, E.	Elphinstone, L.
Stanhope, E.	Forbes, L.
Verulam, E.	Foxford, L. (<i>E. Linrick</i> .)
Wicklow, E.	Gage, L. (<i>V. Gage</i> .)
	Gordon of Drumearn, L.
Clancarty, V. (<i>E. Clancarty</i> .)	Grey de Radcliffe, L. (<i>V. Grey de Wilton</i> .)
Hardinge, V.	Harlech, L.
Hawarden, V. [<i>Teller</i> .]	Harris, L.
Hutchinson, V. (<i>E. Donoughmore</i> .)	Hartismere, L. (<i>L. Henniker</i> .)
Lifford, V.	Hastings, L. (<i>E. Londown</i> .)
Strathallan, V.	Hawke, L.
Templetown, V.	Heytesbury, L.
	Howard de Walden, L.
Chester, L. Bp.	Inchiquin, L.
Chichester, L. Bp.	Leconfield, L.
Ely, L. Bp.	Manners, L.
Gloucester and Bristol, L. Bp.	Minster, L. (<i>M. Conyngham</i> .)
Lincoln, L. Bp.	Oriel, L. (<i>V. Mansreene</i> .)
London, L. Bp.	Penrhyn, L.
St. Albans, L. Bp.	Raglan, L.
Winchester, L. Bp.	Rivers, L.
	Silchester, L. (<i>E. Longford</i> .)
Abinger, L.	Sinclair, L.
Airey, L.	Stanley of Alderley, L.
Alington, L.	Strathnairn, L.
Bagot, L.	Strathspey, L. (<i>E. Seafield</i> .)
Bolton, L.	Talbot de Malahide, L.
Brancepeth, L. (<i>V. Boyne</i> .)	Tollemache, L.
Brodrick, L. (<i>V. Middleton</i> .)	Ventry, L.
Clanbrassill, L. (<i>E. Roden</i> .)	Wynford, L.
Clinton, L.	Zouche of Haryngworth, L.
Clonbrock, L.	

Resolved in the Negative.

Clause agreed to.

Clause 16 (Objects of statutes for University).

VISCOUNT HARDINGE expressed a hope that there would be some provision of a permanent character for the promotion of the Fine Arts at the Universities.

THE MARQUESS OF SALISBURY thought the suggestion of the noble Viscount would be well worthy of the consideration of the Commissioners; and as those gentlemen would have the power of hearing evidence, he hoped his noble Friend would go before them and explain his views.

On Sub-section 6 (for abolishing Professorships or Lectureships),

THE EARL OF POWIS said, that by their local examinations and lectures in large manufacturing towns the Universities were breaking entirely new ground and were penetrating to centres where there were many persons possessed of great means who were interested in promoting various branches of learning which had a practical application to manufactures and commerce, and who, provided they had a security that their foundations would be carried out, would be likely to make very munificent gifts, either for new branches of science in the Universities, or by establishing Lectureships in those great centres of industry. Those persons being shrewd and businesslike, would not be disposed to give their money freely for such a purpose unless they had some such security as he had indicated. It was not simply a question of disregarding the intentions of the pious Founder, or of discouraging testamentary benefactions; but it was a question of deterring persons of large property from making benefactions and creating new Professorships or Lectureships while alive, by gift. He was not aware that there was any redundancy of Professorships or Lectureships, and he had supposed the Bill to be intended to extend rather than to contract the teaching powers of the Universities. If it were intended to amalgamate existing Professorships, that was already effected by Sub-section 4; all that was desired could be effected without brandishing the bugbear of abolition before them. In order to bring the question before the attention of the noble Marquess he would move the omission of that Sub-section.

THE MARQUESS OF SALISBURY said, his impression was that this sub-section had been introduced into the Bill in the other House to gratify some ardent Liberals who were in favour of abolition generally. He did not, however, think it would be well to expunge it now without inquiry. He could imagine a case arising in which it might be desirable to combine the Lectureships in two Colleges.

On Question? *Resolved in the Negative.*

Clause agreed to.

Clauses 17 to 22, inclusive, agreed to.

THE EARL OF MORLEY proposed, after Clause 22 (Union of colleges and halls, or combination for education) to insert the following clause:—

“The Commissioners in statutes made by them may also, subject to the consent of the majority of the Governing Body of a College, make provision for the appropriation of the property of any College in the University of Oxford for the purposes of the Bodleian Library, and for that purpose for the complete or partial union of that College with any authority or institute in the University.”

The Bodleian Library was a most magnificent institution, but the funds appropriated for its support were insufficient.

LORD COLCHESTER said, that he was favourable to the partial endowment of the Bodleian Library from the revenues of College referred to (All Souls) (supposing the principle of the diversion of College revenues to University purposes to be generally adopted); but that he was opposed to the complete union of the College with any University institution, as its Fellowships under the present system performed a useful function as encouragement to the study of Law and Modern History.

THE MARQUESS OF SALISBURY said, the object contemplated by the noble Earl was provided for in the 16th clause, which enabled the Commissioners to make such application of the revenues of the Colleges as they might think fit. He should not, however, object to the clause in a modified form, and would consider the matter before bringing up the Report.

Amendment (by leave of the House) *withdrawn.*

Clauses 23 to 35, inclusive, *agreed to.*

Representation of Colleges and Halls.

Clauses 36 to 38, inclusive, *agreed to.*

Schools.

Clauses 39 to 43, inclusive, *agreed to.*

Universities Committee of Privy Council.

Clause 44 *agreed to.*

Confirmation or Disallowance of Statutes.

Clauses 45 to 50, inclusive, *agreed to.*

Effect of Statutes.

• Clauses 51 and 52 *agreed to.*

Alteration of Statutes.

Clauses 53 to 55, inclusive, *agreed to.*

Reference of other Statutes to Universities Committee.

Clause 56 *agreed to.*

Tests Act, 1871.

Clauses 57 to 59, inclusive, *agreed to.*

Land.

Clause 60 *agreed to.*

Electoral Roll, Cambridge.

Clause 61 *agreed to.*

Schedule.

The Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 146.)

THE ORDNANCE SURVEY—REDUCTION OF STAFF.—QUESTION.

THE MARQUESS OF LANSDOWNE asked, For what reasons a reduction was made on the 31st of January, 1876, in the number of assistants employed on the Ordnance Survey?

THE DUKE OF RICHMOND AND GORDON said, that in the years 1874-5 and in 1875-6 there was a considerable excess of expenditure for the Ordnance Survey over the amount voted, and the Treasury, not thinking it right that the sum granted by Parliament should be exceeded, was compelled to superannuate some of the staff employed in order to keep the expenditure within the Vote.

THE DUKE OF BUCCLEUCH observed that the alteration of scale in the Ordnance maps was a source of great inconvenience. He trusted the Survey on the large scale would be continued.

House adjourned at half-past Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 13th July, 1877.

MINUTES.]—SUPPLY—*considered in Committee*
—CIVIL SERVICE ESTIMATES—CLASS II.—
SALARIES AND EXPENSES OF PUBLIC DEPART-
MENTS—CLASS III.—LAW AND JUSTICE.

PUBLIC BILLS—*First Reading*—Local Govern-
ment Board's Provisional Orders Confirmation
(Joint Boards)* [248], and referred to the
Examiners.

Committee—*Report*—(£20,000,000) Consolidated
Fund*.

Third Reading—Public Loans Remission* [226];
Solicitors Examination, &c.* [190], and passed.

The House met at Two of the clock.

QUESTIONS.

PEACE PRESERVATION (IRELAND) ACT.
1871—THE COUNTY OF LOUTH.
QUESTION.

MR. KIRK asked the Chief Secretary for Ireland, Whether his attention has been drawn to the peaceable and satisfactory state of the county of Louth, both from the constabulary reports and from the address of the going judge of assize to the grand jurors, this summer; and considering the very satisfactory condition of the county for a number of years, whether it is his intention to remove it totally from the operation of the Coercion Acts?

SIR MICHAEL HICKS-BEACH: Sir, the hon. Member for Louth, I think, must be unaware that the proclamation of the whole of the county Louth, except the borough of Dundalk, was revoked so far back as the 11th February last. I must say that the restrictions imposed by this Act cannot have been severely felt by the hon. Member and his constituents, seeing that the county has been free from its operation for five months, and they have not experienced any difference.

PEACE PRESERVATION (IRELAND) ACT.
1871—EXTRA POLICE IN IRISH
COUNTIES.—QUESTION.

MR. KIRK asked the Chief Secretary for Ireland, Whether his attention has been drawn to the charges furnished by the Inspector General of Constabulary for the maintenance of extra police in counties where no such extra police exist, and is he aware that the judges of assize have no option in such cases but to direct the grand jury in opposition to their wishes to fiat such presentments; if so, does he contemplate any change in the law?

SIR MICHAEL HICKS-BEACH: Sir, I am not aware that any county is charged for extra police where no extra police are sent into the county. Owing to the number of vacancies existing in the Constabulary throughout Ireland, it may, no doubt, happen that the number of men actually serving in some counties charged with extra force may be considerably less than the total nominal force

of the county, including the nominal extra force. I think it possible that the law on the matter might be advantageously modified, and I had hopes that the Constabulary Bill which has just passed might have been utilized for dealing with it; but in the pressure of Business that was found impossible.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CONVICT PRISONS—DISCIPLINE AND MANAGEMENT—ADDRESS FOR A ROYAL COMMISSION.

MR. PARNELL, in rising to move—

"That, in the opinion of this House, facilities for the independent inspection of convict establishments should be provided; and that it is expedient that an humble Address be presented to Her Majesty; praying that a Royal Commission be appointed to inquire into the discipline and management of these prisons,"

said, that in the course of the discussion on the Prisons Bill the subject had received a good deal of attention, and the right hon. Gentleman opposite, the Home Secretary, intimated his opinion that further legislation was desirable in reference to convict establishments. The Prison Act of 1865 provided facilities for the independent inspection of county and borough prisons by visiting justices, and these facilities were retained by the aid of the Bill which had just received the Royal Assent; but no such provision existed in regard to convict establishments, either for independent inspection, or for placing any check upon the Home Secretary in framing rules for their management and discipline. After careful examination of the various Acts relating to those establishments, he had failed to find any provision for independent inspection, and it had happened from time to time that the complaints constantly made of cruelties inflicted upon convicts had been substantiated. He brought this question, therefore, under the notice of the House in the hope that the Home Secretary would take it into his consideration during the Recess, and introduce a Bill next Ses-

sion to correct the defects of the present system. He had known instances in which memorials setting forth the complaints made by prisoners of their treatment had been suppressed, and had never reached the Home Secretary. He knew that the inspection of prisons by the borough justices had not in the past been always very perfect; but, at the same time, he looked upon the provisions of the Prisons Act of this year, requiring the justices to form themselves into prison committees for the purpose of inspection, as very valuable, and trusted that some similar protection would be afforded to prisons in convict establishments. Some impartial inquiry into the management and discipline of convict establishments was absolutely necessary, and a satisfactory result could only be arrived at after hearing witnesses. It was also very desirable that the inquiry should include the medical attendance and diet of the convicts. The medical officers of several convict establishments, while varying very much, some being far more indulgent than others, had reported the diet as too low for the labour required, and the question of the effects of labour on public works upon persons of different classes of prisoners had never been satisfactorily dealt with. In particular, the medical officers at Pentonville and Portland had reported unfavourably of the health of the convicts. Hard labour was much more severe upon a man of education not accustomed to physical exertion than upon a working man, and the suffering caused by solitary confinement was much greater in the case of the former than that of the latter, as far as he could make out. But the Home Secretary had power to limit the extent of solitary confinement inflicted upon any prisoner; but he thought that some general rules, both on that subject and in regard to the number of lashes that might be inflicted, should be laid down by Act of Parliament. Prisoners employed upon public works should not be over-fed; but while their diet should be plain and coarse, they ought to have a sufficiency of bread; and it was not creditable to a Government that their prisoners should be kept upon such low diet as to be rendered liable to pulmonary disorders. Being generally men of low vitality, they felt very keenly the effects of an inferior diet. The points he wished to

impress upon the House were, first, the necessity for an independent inspection of convict prisons by persons not under the influence or control of the Government, or in their pay. And, secondly, that an inquiry should be instituted by a Royal Commission into the discipline and management of those prisons. Very many complaints had been made of late years by prisoners of ill-treatment. In many cases the complaints had been substantiated, and in some instances the Home Secretary had been induced to interfere; but it was desirable that a Commission should inquire into the whole question, with a view to legislation next Session. He could not give credit to all the tales they heard about cruelties perpetrated in convict establishments, but they knew that in borough prisons cruelties of a very extraordinary character had occasionally been inflicted; and if, in the face of the independent inspection of visiting justices, such cruelties were possible, it followed that cruelties of the same nature were much more possible in convict prisons, which were entirely free from independent inspection of any kind, and in regard to which the Home Secretary was kept very much in the dark. In reference to the subject, he would refer the House to a letter which appeared in *The Daily Chronicle* under the head of "Experiences of a Turnkey," in which a case of exquisite torture was stated to have been witnessed by the writer in a provincial prison. A prisoner who had refused to sit for his photograph, on the ground that he had not been convicted, had his arms and legs bound tightly to the uprights of a ladder, and in that position was hoisted up by the warders against the walls of the prison, and left so until he fainted. On his recovery he was again hoisted up, and the same thing was repeated several times until he at last gave in. For 10 days afterwards the man was not able to comb his hair or to bend his arm. He (Mr. Parnell) could not say whether this statement was entirely true; but if even a portion of it was true, the Home Secretary ought to direct his attention to the system of inspection both of borough and convict prisons. In convict prisons a prisoner had no means of making his complaint known outside his prison walls. They were forbidden by the prison rules to complain to their friends,

Mr. Parnell

and if they made their complaint in a memorial to the Home Office, that document was not allowed to reach the hands of the right hon. Gentleman. On a former occasion the Home Secretary brought forward statistics in which a comparison was made between the death rate in convict prisons and that of the London population, with a view to show the healthiness of the prisons; but it was well known that a very large amount of the London mortality was among infants, and there were less deaths among the adult population. It was, therefore, not correct to draw such a comparison between a population containing a number of children and a number of adult persons. The hon. Gentleman concluded by moving an Address for a Royal Commission.

MR. WHALLEY, in seconding the Amendment, said, that the hon. Member for Meath (Mr. Parnell) deserved much credit for the great attention which he had devoted to this subject, and the earnestness and ability with which he advocated independent inspection in convict prisons. He (Mr. Whalley) was aware from his own personal knowledge that great dissatisfaction existed with respect to the treatment of prisoners in some gaols. Take, for instance, the case of a convict to whom he had often referred, and who was now confined in Dartmoor. He had received communications from many persons discharged from that prison, but being unauthenticated he had not troubled the House with them, or even communicated with the Home Office. Those statements were most startling, and if true showed the existence of corruption and complicity among the prison officers, and presented an array of difficulties which rendered it almost impossible for any one wronged to obtain redress. The prisoner to whom he alluded was not allowed to make his treatment known to the public. His friends, when they visited him, were only allowed to see him in an iron cage and in the presence of a warder. If a man on whose behalf at least half a million of people had petitioned the House could be ill-treated by prison officials, what must be the condition of other unfortunate convicts who had no means of making their grievances known? His letters were tampered with, and he was not allowed to utter a word of complaint to his

visitors. His treatment latterly had been more harsh than formerly, and it was therefore either too lax at one time or was too severe now. The Town Hall of Birmingham had been filled by persons who went there to listen to him (Mr. Whalley), and yet such an expression of public opinion was ignored by the Press. One would have supposed the Home Secretary would have desired to alleviate the painful anxiety of so many persons, and to compassionate their weakness by allowing access to the convict on the part of one of the jury, who lived in a condition of anguish because he believed there had been a miscarriage of justice.

Mr. SPEAKER called the hon. Member to Order, reminding him that he was frequently wandering from the Amendment he rose to second.

Mr. WHALLEY said, if he was not in Order, the warmth of his feelings on the subject must be his excuse. The hon. Member went on to complain that the Home Secretary had not paid any attention to the complaints of the person to whom he referred, and was proceeding to read a letter addressed by the convict in question to Mr. Guildford Onslow, when—

Mr. ASSHETON CROSS rose to Order, and pointed out that his conduct was not the subject of the Amendment before the Chair.

Mr. WHALLEY submitted that the conduct of the right hon. Gentleman, so far as it illustrated the question before the House—namely, whether there ought to be an independent inspection of convict prisons—was a subject to which he was justified in referring. He contended that ample grounds had been shown why the House should adopt the Amendment of the hon. Member for Meath.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, facilities for the independent inspection of convict establishments should be provided; and that an humble Address be presented to Her Majesty, praying that a Royal Commission be appointed to inquire into the discipline and management of these prisons,"—(Mr. Parnell,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. M'CARTHY DOWNING said, he would refer to an instance that had come under his notice, which ought to have influence with the House and the right hon. Gentleman. An application was made to him by Mr. O'Donovan Rossa to visit Chatham Convict Prison from the then Home Secretary (Mr. Bruce). An order was obtained, but with certain restrictions, and this order he refused, unless he was permitted to put questions to the prisoner as to his treatment. This was granted. With the late hon. Member for Waterford (Mr. Blake) he visited the convict in prison, several of the prison officials being present. A question was put to O'Donovan Rossa as to whether he had been manacled for 35 days with his hands behind his back, and being compelled to take his food in that condition, one hand being loosened. It was denied by the deputy governor and the turnkeys that he had ever been manacled for such a time and in such a manner; but the chaplain was forced to admit that he had seen the prisoner with his hands tied behind his back. A book that should have thrown some light on the circumstance was not produced, and finally, after a second visit, an inquiry was instituted by the Home Secretary, and the statement of O'Donovan Rossa was found to be quite true. He could but support the Motion, and all suspicion of ill-treatment would be removed if there was an opportunity allowed for prisoners to make their complaints known in convict prisons, as they would be in borough and county prisons by the Prisons Bill.

Mr. ASSHETON CROSS said, that all this was but a repetition of the discussion on the Prisons Bill, which had now happily become law. He regretted that cases were so often brought forward in that House which had not been sifted, and which could not therefore be denied. Let him take the case brought forward on a former occasion by the hon. Member for Leicester (Mr. P. A. Taylor), who read a letter giving a description of cruel treatment in a prison close to London. It was not possible for the Secretary of State to give any answer to that charge at the moment. A full inquiry was, however, made. The whole matter was fully sifted, and a letter from the director of the prison was shown to the hon. Member for Leicester,

who expressed himself fully satisfied with the explanation given. The truth was, that the writer was suffering under mental delusion, and that this was the origin of the charge. The hon. Member for Meath (Mr. Parnell) had brought forward some anonymous charge published in a newspaper in the North which he (Mr. Cross) was unable to answer. It contained a long description of what was supposed to have occurred in the prison, and the hon. Member had founded arguments upon it.

MR. PARNELL: I should not have mentioned this matter but that, I believe, the attention of the right hon. Gentleman was directed to it.

MR. ASSHETON CROSS said, that was so; but he thought it unfortunate that a description in an anonymous letter of what was supposed to have taken place in a prison should be read to the House before the matter was sifted. He had not been able to ascertain the name of the writer, but he hoped that information on the subject would be forwarded to him. At present he knew nothing of the matter, and therefore could not argue upon it, but he had no doubt an explanation would be forthcoming. With regard to inspection, there was already, under ordinary circumstances, an inspection of county prisons, and there could be no reason why there should not be an inspection of convict prisons. They were going to establish prison boards for borough and county prisons, which would work with the visiting justices, and rules would be drawn up for their guidance. It would then be seen how they worked together, and he should have no fear for the result; nor should he have any objection at the proper time to the appointment of persons who should have the power to visit convict prisons. His opinion was that nothing was gained by the concealment of anything done under authority. If there was anything wrong, by all means let it be put right. He would not, however, accept the Motion of the hon. Member for Meath. He was willing at the same time to say that this question should be carefully considered in the course of the Recess. He could not throw this duty upon the visiting justices. They had already a good deal to do in the inspection of county prisons, and he could not ask the visiting justices of a particular county

to undertake this task in addition to their present duties. He trusted, however, that some machinery might be found under which persons might visit the convict prisons with something like the authority of the visiting justices of county prisons. He hoped that with that assurance the hon. Member for Meath would leave the matter in his hands, at all events, until the next Session of Parliament. He could not entertain the second part of the Motion, because it amounted to a direct censure upon Colonel Du Cane, the Director of Convict Prisons, in whom both himself and his Predecessors felt the greatest confidence. He stated in the debate on the Prisons Bill that it would be the duty of the Home Office to institute an examination into the treatment of all the prisoners in county and borough gaols. That inquiry, which must be instituted by a Commission, must extend to the convict prisons as well. When the information obtained by that Commission was before the House, there would be ample opportunity of judging whether any and what alterations should be made in prison treatment and discipline. There was, therefore, no reason why an independent Commission should be appointed to inquire into the same thing. When the House met next Session he hoped to convince hon. Members that they had ample information before them to enable them to come to an accurate judgment. With regard to the complaint of the hon. Member for Peterborough (Mr. Whalley), he must remind him that it would be extremely invidious for the Secretary of State to say that one prisoner should be treated differently from another on account of his social station. All prisoners, whether rich or poor, must be treated alike. He could assure the House that it was not likely he would forget the prisoner at Dartmoor, because he was so often reminded of him. He had made special inquiries as to his health and the way in which it was affected by his treatment, and he had received assurances from those in whom he felt the fullest confidence that there was nothing in his treatment to justify the slightest complaint. In consequence of the debates on the Prisons Bill, he thought it wise to visit many of these prisons, and he had been in four or five of them. He had made it a practice to see the

Mr. Assheton Cross

prisoners alone in their cells, and in one prison he saw all the prisoners. He did all he could to get complaints out of the prisoners, in regard either to their food or treatment, and the answers he got were entirely satisfactory. The only complaints in one gaol were two in number. A prisoner complained that, although his food was good, he could not get enough of it; and the second complaint was that a prisoner said he had a book on geography, and they would not allow him to have the maps. These were the only complaints he could screw out of the prisoners. [Mr. PARNELL: Were these convict prisons?] They were. One was Millbank and the other Pentonville. He also visited some of the Public Works prisons. The result of his inquiries was that the general management of convict prisons was satisfactory, and this would be the opinion of the House if they had examined the subject in detail.

COLONEL BERESFORD, who had been 18 years on the Surrey bench, said, the visiting magistrates of that county made it a rule to see each prisoner alone, and to ask whether he had any complaint to make.

MR. HIBBERT suggested, for the consideration of the Government, that greater uniformity of management might be secured if convict, as well as borough and county prisons, were placed under the control of one Board of Commissioners.

SIR HENRY SELWIN-IBBETSON said, the subject had been repeatedly discussed in the debates on the Prisons Bill, and that his right hon. Friend the Secretary of State had expressed it to be his opinion that it would be better to try the new system, before any steps were taken to proceed with such a consolidation as that proposed on the lines of the old.

MR. BIGGAR said, he was glad that the Home Secretary had made a concession; but he pointed out that the inspection by these Commissioners, as suggested, would not be an independent inspection, and these Commissioners would be looked upon with more or less suspicion, as prisoners would think they might play into the hands of other officers. The present system had a tendency to encourage the bribing of turnkeys.

MR. PARNELL said, that as the right hon. Gentleman had consented to

the principle of an independent inspection of convict prisons, and had expressed his intention of extending an inquiry to convict prisons, he would withdraw his Motion; at the same time he hoped that the Board of Inquiry would be composed of men independent of Government.

MR. ASSHETON CROSS said, he did not see how they could be perfectly independent, as their appointment must be from the Crown; and he wished to explain that what he had said was, that he did not see why, if there was to be an inspection of borough and county prisons when they became Government prisons, there should not also be the same for convict prisons. It was, however, difficult to manage, and he must have time to consider. There must be a Commission, and, indeed, the names of the Commissioners had been submitted for approval to consider the whole discipline of borough and county prisons; and this inquiry would extend to convict prisons.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

(1.) £4,476, to complete the sum for the Public Record Office, Ireland.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £21,995, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Office of Public Works in Ireland."

CAPTAIN O'BEIRNE severely criticized the constitution and duties of the Board, commenting upon such works as the drainage of the Shannon and the Ulster Canal. The former had been in contemplation, but had made no progress, for the last 43 years. The salaries of the officials were extravagant, and the work of the Board was most

inefficiently carried out. He would move to reduce the amount of the Vote by £9,000.

Motion made, and Question proposed,

"That a sum, not exceeding £12,995, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Office of Public Works in Ireland."—(*Captain O'Beirne.*)

SIR MICHAEL HICKS - BEACH repeated the offer he had made on a former occasion to bring any reasonable proposals respecting the Ulster Canal under the notice of the Treasury. It was a mistake to suppose that the management of the Irish Board of Works was inefficient or the salaries extravagant. As to the drainage of the Shannon, the subject had been repeatedly discussed in that House, and the Government had done their best to promote the work by passing an Act under the operation of which the Treasury had power to contribute half the cost, or a sum of £150,000 for the purpose. It was owing, he might add, to the action of the proprietors, who refused to contribute their share, that the Act had become inoperative.

THE O'CONOR DON, without referring to special works, such as the Shannon drainage, the Ulster or Ballinamore Canal, could vouch for the general dissatisfaction existing as to the state of the Board of Works. Within the last few days, before the Committee upon the subject, there had been evidence showing the extraordinary way in which business was carried on by this so-called Board.

THE CHAIRMAN said, it was not in Order to refer to proceedings before Committees still sitting.

THE O'CONOR DON: But the Committee had reported, and, therefore, he was justified in his reference. Before the Committee was evidence showing that there was no such thing as a Board of Works in Dublin. It was admitted that they never met except to receive deputations. There were no Minutes kept, and things were carried on in a most hap-hazard way. The real Board consisted of the Secretary, and even the Commissioners did not know how the business was conducted. Another thing in connection with this Board was the amount of

charge made whenever they were applied to to inspect any proposal for carrying out public works in any part of the country. An engineer sent down to any place was the occasion of three guineas a-day for his services, and, in addition, the public paid for his salary and superannuation. It would be most advantageous if the Chief Secretary would look into the constitution of the Board, and see how it could be improved.

MR. MITCHELL HENRY thought the answer of the right hon. Baronet the Chief Secretary was rather unfortunate. He understood the right hon. Baronet to say that he was perfectly satisfied with the constitution of the Board. [SIR MICHAEL HICKS - BEACH: No!] He was glad to hear that admission, because, in his opinion, no one could justify its constitution. The Act of Parliament required that there should be three Commissioners of Works; but, at the present time, to carry out the Act, it was necessary to have some aid in consequence of the age of one of the Commissioners. This gentleman was nearly 90 years old, and he lived in England. The Government, nevertheless, retained him upon the Board, and assistance was provided in the shape of an Assistant Commissioner, who ought in reality to be one of the three Commissioners, the aged Commissioner drawing no salary on account of the Board of Works, but instead thereof he received £1,500 as Commissioner of Valuation. The Assistant Commissioner only received—until the present year, when it was raised to £1,000—a miserable salary of £800 a-year, and he was one of the most distinguished drainage engineers in Ireland. But instead of being put to his proper work he was placed at the head of the Architectural Department, and occupied in designs for schools, barracks, and teachers' residences. The whole constitution of the Board was unjustifiable, and the Commissioner should not be retained merely to gratify his personal feelings. True, it might be said he drew no salary, but a Commissioner should be appointed who could do his work, and was worthy of his salary.

MR. GOLDSMID remarked that hon. Members who represented Ireland were not very often eager to reduce the amount of money to be spent in that country, and he hoped that in this in-

Captain O'Beirne

stance the Government would take them at their word, when they proposed what appeared to him to be so reasonable an economy.

CAPTAIN NOLAN said, that if Irish Members desired economy, it was because the money which it was often proposed to spend did more harm than good. There was no objection to expenditure sensibly directed; but the expenditure by the Board of Works was extravagant and useless. But if the Government were anxious to spend the £9,000, they might very well lay it out in improving the drainage of the Shannon Valley, where much money had been wasted, and many engineering mistakes made. He would call attention to the failure of the Shannon Improvement Act which the Government passed three Sessions since, contemptuously rejecting sensible practical Amendments proposed by local Irish Members fully competent to form an opinion as to the best course that ought to be pursued in carrying out such works, and would suggest the question should be left to an Irish Committee selected from Members who would represent the interests of those who required the river kept up for navigation, as well as those who required the water of the country carried off.

MR. SERJEANT SHERLOCK said, he was not at all clear that Irish Members would come to any unanimous opinion respecting the Shannon Valley, though, no doubt, they would all agree in thinking that money might be spent there very usefully. He would call the attention of the Committee to the enormous amount charged by the Office of Works for travelling expenses. There were £2,200 charged this year, and last year it was £2,000. That matter required the serious attention of the Government.

MR. W. H. SMITH, as the Representative of the Treasury, could say that the Government would gladly accept any Motion for the reduction of expenses, if only they thought it practicable and conducive to efficiency; but that was not the case with the Motion before the Committee. Some few of the remarks directed against the Office of Works were, perhaps, a little unfair, as the charges complained of with regard to drainage were determined by Act of Parliament, so that objection should be taken to the Act rather than to the authorities. He might mention that the Commis-

sioner referred to by the hon. Member for Galway (Mr. Mitchell Henry) received no salary, though he was entitled to a full retiring pension. He would admit there was something calling for inquiry, and having conferred with his right hon. Friend the Chief Secretary for Ireland, he was prepared to undertake that an inquiry should be made into the constitution of the Office. He must observe, however, that the remarks of the hon. Member for Galway went in the direction, not of a reduction, but of an increase of the cost. With reference to the item of travelling expenses, it should be remembered that the Office of Works had to examine, maintain, and keep in repair all the public buildings in Ireland, 1,237 in number, to receive all applications for arterial drainage, to maintain harbours, to look to the construction of fishery piers, and do a variety of other business. Through it large amounts of public money were advanced, requiring beforehand the most careful inquiry. Though he could not himself account for every farthing of this expenditure, he was prepared to say that it had been most carefully audited. But that was one of the points which would be inquired into by the Committee appointed to examine the constitution of the Board. The hon. and gallant Member for Galway (Captain Nolan) had revived the old story of the drainage of the Shannon. He (Mr. Smith) must observe that the Bill on the subject had been pressed on the House by local opinion, and no sooner was it passed than a number of proprietors not only refused to contribute, but advanced claims for compensation if the floods were stopped. Again, some persons maintained that the navigation of the river should be carefully preserved; while others contended that the navigation was of no consequence whatever, and that it was the drainage which ought to be attended to. The hon. Member for Roscommon (the O'Connor Don) had complained that the Board did not meet. There were very few Boards in the Public Service that did meet, and amongst them was the Board of Admiralty. In other Boards, under the direction of the Chairman, the business was most carefully assigned, and the several Commissioners consulted together, but formal and regular meet-

ings of Boards so called were not held. Indeed, the expression "meeting of the Board" was not a good one. In the case under discussion the Chairman was, he believed, a most efficient public servant, and the duties were performed in a way conducive to the public interest. But that also would be a fit subject of inquiry by the Committee.

MR. MITCHELL HENRY could not support the Motion for the reduction of the Vote, and he hoped his hon. and gallant Friend (Captain O'Beirne) would withdraw it. The Committee had a distinct promise from the Government that the constitution of the Board of Works would be inquired into, and he knew whatever his hon. Friend the Secretary to the Treasury undertook, he would diligently perform.

THE O'CONOR DON also asked his hon. and gallant Friend not to press the reduction of the Vote.

CAPTAIN O'BEIRNE said, that as the Government had given a full and frank promise of inquiry into the constitution of the Board of Works in Ireland he should withdraw his Amendment.

MR. RAMSAY suggested that the Committee of Inquiry into the constitution of the Board of Works should inquire into the efficiency and necessity for maintaining the various other public Departments in Ireland, so that the House might obtain trustworthy information on the subject. He also wished to suggest that the Committee should not be composed exclusively of Irish Members, so that the inquiry might be impartial. He believed, if a thorough inquiry were made, it would do away with constant complaints as to the way in which the affairs of Ireland were conducted.

CAPTAIN NOLAN said, one of their grievances was that there was not sufficient Irishmen on these Commissions. He therefore hoped they would be adequately represented on the Commission or Committee which the Government would appoint.

MR. CALLAN said, the greatest obstructions in Ireland were the officials of the Board of Works. They always endeavoured to see how not to do it. If any inquiry were to be instituted, he trusted the Commission would not include either Mr. Lingen, or "that nuisance in Ireland," Mr. Herbert Murray.

MR. MELDON expressed a hope that the inquiry would not be limited to the

Board of Works, but that it would be applied to the Local Government Board, and similar offices as well. A few months ago he saw a body of Scotch soldiers in the Four Courts, and next day a corps of Welsh soldiers, headed not by a non-commissioned officer, but by Mr. Herbert Murray; and on making inquiries he learnt that these soldiers had been told off to examine some coal that was supposed not to have been supplied according to contract. The Scotch soldiers declared that the bad coals were not Scotch coal, and the Welsh soldiers gave their opinion that they were not Welsh coal, which they ought to have been. The coal was left there, as that point could not be determined, and that was the way in which Mr. Herbert Murray managed his Department.

MR. BIGGAR said, the Board of Works never had any Minutes of their proceedings, and he thought that the system should be revised. Several of the officials had sinecures, and it was well that they should be abolished. Then the Board of Public Works was thoroughly inefficient, and they certainly made a mess of their business altogether. All the expense of draining the Shannon had resulted in nothing, simply owing to the inefficiency of these officials, and then again the Ballinamore Canal was another monument to their inefficiency.

MR. GRAY said, the head and front of Mr. Herbert Murray's offence was that he was a very zealous official of the Treasury. He was, therefore, perhaps one of the most unpopular men in Ireland. Mr. Murray came over from the Treasury to investigate the position of the Government officials in Dublin with a view to a reduction, and he had reported to the Government in that direction. In fact Mr. Murray was carrying out what the Irish Members were advocating in that House. Mr. Murray held a very invidious position, and he had done his work well, and certainly did not deserve any obloquy for the way in which he had done his duty. With regard to the Board of Public Works, he repeated that they had a sham Board, for it was absolutely impossible to fix responsibility on any one. The right hon. Baronet the Chief Secretary had told them that he answered according to the best of his information; and, in fact, the way the business was managed it was impossible for the right hon. Be-

react to answer otherwise than to give a general assurance that everything was being done for the best. He trusted, if they were to have an investigation, that it would be of such a character as to command the confidence of the public.

MR. W. H. SMITH said, he could give the assurance of the Chief Secretary and his own that the Commission would be so constituted as to thoroughly secure the confidence of the people of Ireland.

MR. PARNELL asked, whether the Commission would consist of Gentlemen in the permanent pay of the Government?

MR. W. H. SMITH replied that it was impossible to say, within half-an-hour of giving the undertaking for the Commission, as to how it should be constituted.

MR. RAMSAY: Perhaps the hon. Gentleman will consider whether it may not be extended to other Departments.

Motion, by leave, withdrawn.

Original Question put, and agreed to.

(3.) £12,279, to complete the sum for the Registrar General's Department, &c., Ireland.

(4.) £15,808, to complete the sum for the General Survey and Valuation, Ireland.

CAPTAIN NOLAN asked, if the Board would carry on the valuation of Ireland, and if it would adopt the scale of prices scheduled in the Bill?

SIR MICHAEL HICKS-BEAUCH replied that the question of the new valuation had better be discussed when the Valuation Bill was taken. If the Valuation Bill became law, the new valuation would be based on a scale framed from the market price in various parts of Ireland.

CAPTAIN NOLAN: Will this Department carry on the valuation, and will there be an extra Vote not included in this Vote?

SIR MICHAEL HICKS-BEAUCH: Yes.

Vote agreed to.

(5.) £61,100, to complete the sum for Pauper Lunatics, Ireland, *agreed to.*

CLASS III.—LAW AND JUSTICE.

(6.) £45,987, to complete the sum for Law Charges.

MR. MONK inquired why the costs in Divorce Court cases were not paid by the losing parties? The number of cases in which the Queen's Proctor intervened appeared to be increasing, and he wished to know why his costs were paid by the Treasury?

MR. W. H. SMITH, in reply, said, that until very recently the Queen's Proctor was an independent officer, but the duties were now discharged by the Solicitor of the Treasury, who was paid by salary. It was perfectly true that the costs ought to fall on the unsuccessful party, but that was not always the case. His hon. and learned Friend the Attorney General had exercised the greatest discretion in authorizing the intervention of the Queen's Proctor. In this case there was no creation of a new office, but simply a transfer of duties from the office of Queen's Proctor to that of the Solicitor of the Treasury.

THE ATTORNEY GENERAL observed that when the Divorce Court was established, Sir Cresswell Cresswell desired the assistance of an officer to inquire into cases to see whether there had been any collusion between the parties. Accordingly the Queen's Proctor had been appointed to discharge the requisite duties. When collusion was established he was entitled to his costs from the parties, but he frequently intervened where collusion could not be proved, but where material facts had been kept from the knowledge of the Court. When under the Act he was not entitled to his costs from the parties, they were paid by the Treasury.

Vote agreed to.

(7.) £132,710, to complete the sum for Criminal Prosecutions.

(8.) £132,530, to complete the sum for the Chancery Division of the High Court of Justice.

SIR HENRY JAMES hoped the Government would give Mr. Justice Fry the usual Staff. The expense would be but light, and much inconvenience was suffered by the public from the present arrangement.

THE ATTORNEY GENERAL said, he was aware of the existence of a ge-

neral feeling that Mr. Justice Fry ought to have the ordinary Staff of a Vice Chancellor, but he did not know whether it was justified. It had not been thought necessary when he was appointed that he should have a Staff, and he (the Attorney General) had not convinced himself that it was necessary. The Staff attached to the different Judges was already exceedingly numerous, amounting to more than 100 persons. The evil was that under the present system the Staff of one Vice Chancellor could not assist the Staff of another. There were some of these gentlemen who had a great deal of work to do, and others who had little to do. Now there might be an alteration, and if the clerks who were not overwhelmed with work might be called upon to assist the clerks who had a great deal to do, the difficulty would be got over. At all events, the present arrangement might be allowed to work a little longer.

SIR HENRY JAMES wished to say a few words upon the Official Referees—not as to their personal qualifications, which were discussed last year, but as to the work they had to perform and the public money squandered upon them. It was an appointment of judicial officers in a direction in which they were not of the slightest use. There had been a twelve month's trial of the Official Referees. He found that one of them had had 12 causes before him, and sat 80 hours last year, which, allowing six hours for a working day, gave him 13 days and a fraction out of the 365 days of the year. Another had nine causes, and had sat 339 hours during the 365 days. One Referee had had 12 causes before him, another 18, another 9, and another also 9. One Referee had sat 273 hours, another 339, the third 247, and the fourth, as he had stated, 80 hours. For these services the country was paying £6,000—namely, £1,500 a-year to each of these gentlemen, and £200 to their clerks. All this time suitors were complaining that they could not get their causes heard, and the Government were refusing to increase the judicial strength of the Courts because of the expense, while this sum of £6,000, which would pay the salary of another Judge, was being spent with utter inutility to the public. He hoped that some means would be devised of affording these gentlemen more work, and that

no more Official Referees would be appointed.

THE ATTORNEY GENERAL said, he must admit that these gentlemen had not had very much work to perform. When the Judicature Bill of 1873 was introduced by the late Government, it made a sweeping alteration in the Courts of Justice, and it was thought necessary to have official persons to decide a variety of cases that could not be decided by the High Court itself. He believed that this view was entertained, among others, by his hon. and learned Friend, and it was thought that barristers should be appointed who, without the assent of the parties, should be required to adjudicate in cases requiring a prolonged examination of documents or accounts which could not be sent before a jury. The consequence was the introduction of a clause authorizing the appointment of Referees, and empowering the Court to send before them questions for their decision, with the consent of the parties, and also, as he had intimated, cases requiring prolonged examinations. The clause also authorized the Court to send matters before the Official Referees, or before special Referees agreed upon by the parties. The result was that, generally speaking, the parties to a suit desired that matters which could not be decided by the Court should be sent before Referees of their own choosing, rather than before the Official Referees—a wish on the part of the litigants to which the Judges were not unreasonably disposed to yield. If, therefore, the Official Referees had not much business to get through, it was owing to no fault of theirs, for it could not fairly be alleged that they had in any way whatever neglected their duties, and he must in justice say they had shown their willingness to perform any work that might be required of them. No complaint had been made of the way in which those duties were performed; they did their work so far as they had it to do satisfactorily; and if the Judges would not so frequently yield, as they not unnaturally did, to the wish of the litigants, the amount of that work would be considerably increased. But, be that as it might, the institution of Official Referees had so far, he must admit, been a failure; and if in a short time the Judges did not adopt the course which he suggested, instead of sending cases before Referees

The Attorney General

appointed by the parties, or special Referees, as they were termed, different arrangements must be made and the services of the Official Referees must be utilized in some other way. He should deem it to be his duty, after a little further experience, to communicate with the Lord Chancellor with that object.

MR. MONK said, he was glad to hear that the hon. and learned Attorney General intended to put himself into communication with the Lord Chancellor on the subject, and suggested the desirability of considering whether the number of Referees should not be reduced. He was of opinion that if barristers of long standing and experience in their Profession had been appointed to the position of special Referees, they would have given great satisfaction to the country, and their services would have been put quite as much in requisition as those of the Railway Commissioners.

MR. GREGORY quite believed that the Referees were desirous of performing their duties; but the system was not a satisfactory or popular one, and the question was whether these gentlemen could not be put on a different footing. For his own part, he should like to see the system assimilated to that of the chief clerks of the Judges in Chancery—a system which he believed would operate satisfactorily and effect a considerable saving to the country.

MR. DILLWYN said, there was a feeling abroad—whether rightly or wrongly he could not say—against the Judges sending cases down for trial to the Referees. He was rather surprised at hearing the hon. and learned Attorney General say that he had done all in his power, without success, to induce the Judges to refer cases for arbitrament to the Referees.

SIR HENRY JAMES earnestly hoped that the hon. and learned Attorney General would not longer try to induce the Judges to send cases to the Referees. He did not think that a suitor should be compelled to go before a Referee whom he disliked. He ought at least to have a voice in the choice of his own Referee.

SIR GEORGE BOWYER was opposed to any extension of the system of Judges' clerks, which litigants regarded as a very great nuisance. It did not in its operation give satisfaction to the suitors.

MR. MUNTZ considered there were defects in the new Judicature system which ought to be remedied. He thought the popularity of the Referees would not be increased if suitors were obliged to take their cases before them in the way proposed by the hon. and learned Gentleman.

THE ATTORNEY GENERAL said, his remarks appeared to have been somewhat misunderstood. He did not desire that the Courts should compel parties to go to a reference. That was a great evil, and he thought that when persons came before a Court of Justice their causes ought, as a rule, to be tried by the Judges themselves. Sometimes, however, causes could not be so tried, because they involved long investigations, or for other reasons; and if such causes were referred, the suitors themselves, or their solicitors, were to blame. By a section of the Act of 1873, the Court was empowered in certain cases to send causes to be tried by another tribunal. This, however, could only be done in specified cases; and what he said was, that when a Judge had determined to refer a cause, it would be better for him to send it to the Referees appointed by the Act of Parliament. At the time the Act was passed it was intended that the Referees should be the persons who were to decide these matters.

MR. GOLDSMID said, there was one grievance which had not yet been alluded to, and which operated most unfairly on litigants. At the end of an Assize, on Circuit, it constantly happened that Judges and counsel were anxious to get away, and solicitors and clients were so pressed by a combination of the Judge and leading counsel that it was impossible to avoid referring a cause. And this also occurred sometimes during Term, when there was a press of business. If the power of reference to the Official Referees were extended, the evil, which was already great, would be thereby increased.

MR. DODDS said, that many cases went into Court which were certain to be referred to the Official Referees, and it would be much more satisfactory, indeed it was preferred, to send them to arbitrators. The Referees had given satisfaction neither to the Profession nor the public, and there was a very general feeling that they had not been

a success. He trusted that unless these Referees were found during the Recess to be fully employed the hon. and learned Attorney General would see his way next year to reducing the Vote in respect of their salaries, otherwise he (Mr. Dodds) would in that respect move the reduction of the Vote by £6,000.

MR. LEEMAN believed that there were only two ways, by either both, or one of which the inconvenience at present inflicted upon suitors could be removed. In the case of causes involving accounts, the Judge was often right to refer them. As regarded the business at the large Circuit towns in the North, it would be necessary either to increase the number of the Judges, or to extend the powers of the County Courts. All the evils existed still which had existed before the appointments of the Official Referees, and nothing could be worse than the way in which both the London and the country Law Courts were blocked up with cases to be tried. Both Judges and counsel naturally wished to get their work done, but want of time stood in their way, and the present arrangements were insufficient. He could perceive no remedy for this very inconvenient state of things unless at least one of the two courses were taken that he had indicated.

MR. D. DAVIES said, that the Referees had made themselves unpopular by their habit of consulting with counsel, and by the length of time that usually elapsed between the various appointments. Perhaps there might be a month or six weeks between one appointment and another, and when Referees and counsel met again all they had known before about the case was forgotten. The consequence was that people would rather have anything than a reference, as in many instances the costs incurred far exceeded the value of the amount at stake. What he would like to see was one good tribunal like the Railway Commissioners, which would meet and settle the matter at once. When the Referee commenced a case, he should go on with it until it was finished, whether counsel could remain or not. Let them go to—wherever they liked. That view might be very unpopular in an Assembly which contained so many lawyers, but it was one which he thought was well founded.

Vote agreed to.

Mr. Dodds

(9.) £47,160, to complete the sum for the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice.

MR. DILLWYN called attention to the salaries and expenses of the district registrars of the High Court.

MR. GREGORY also called attention to the evils arising from allowing registrars to have private practice. In some instances a registrar might have his own partner coming before him in cases in which he was concerned. He hoped the Government would take the matter in hand, and that they would propose a Vote which would give registrars adequate salaries and enable them to give up private practice.

THE ATTORNEY GENERAL said, that where it could be done it was very desirable that the registrar should not have private practice; but in very small places, the fees which registrars received for the business they did would be utterly inadequate. The suggestion made had been and would be adopted, wherever the fees would allow of it. The registrars of Liverpool and Manchester had both been so appointed.

MR. DODDS said, the evil arising from the registrars of County Courts being themselves in private practice was very much felt in the North of England, even in places where the salary was amply sufficient, and it would be very satisfactory to have such cases inquired into.

Vote agreed to.

(10.) £69,957, to complete the sum for the Probate and Divorce Registries of the High Court of Justice.

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £9,831, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice."

SIR CHARLES W. DILKE said, that the Chief Registrar received a salary of £1,200 under this Vote, and £400 from other sources. As his work had been done in his absence in Canada by the assistant, he thought his services were not very much needed, and he moved that the Vote be reduced by £1,600.

Motion made, and Question proposed,

"That a sum, not exceeding £8,231, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice."—(*Sir Charles W. Dilke.*)

SIR HENRY JAMES expressed a hope that the Motion would not be persevered in, as the officer in question had several important duties to perform, and was a most zealous and efficient public servant.

MR. W. H. SMITH explained that this gentleman's duties were very laborious, and that he was very efficient.

SIR HENRY HOLLAND observed that during his absence his duties were performed with difficulty.

SIR CHARLES W. DILKE said, he had no intention of pressing his Motion after those explanations.

MR. WHITWELL complained that there were great arrears in these Courts, and especially in the registration of wills. Why should there be a charge of £1,300 for "making up arrears?"

MR. W. H. SMITH said, that a sufficient number of clerks would be appointed to clear up the arrears on the Vote for the Wreck Commissioners' Office.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £9,192, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Office of the Wreck Commissioner."

MR. PARNELL asked what the duties of the office were?

MR. W. H. SMITH said, that the duties were to hold inquiries into wrecks under the Merchant Shipping Act.

MR. DODDS asked how the item of £6,000 for nautical assessors was applied?

MR. DODSON asked what was the explanation of the charges for justices and for shorthand writers?

SIR ANDREW LUSK asked what were the duties of the Wreck Commissioner?

MR. E. STANHOPE said, that the duties of the Wreck Commissioner were enormous. Shorthand writers were employed because it was necessary to publish the proceedings.

And it being now 10 minutes to Seven of the clock,

House *resumed*.

Resolutions to be reported upon *Monday* next;

Committee also report Progress; to sit again *this day*.

CHRIST'S HOSPITAL— SUICIDE OF A SCHOLAR.

EXPLANATION.

MR. ASSHETON CROSS: Sir, I have been asked by the authorities of Christ's Hospital to state that they are afraid that one observation which I made yesterday may be misunderstood. I said that I had received the Report of the inquiry which they had conducted into the death of the boy Gibbs, and they are afraid that I had not stated that I told the House that I had received the Report, but that it was too long to read in answering a Question. I may take this opportunity of informing the House that I have, in consultation with the authorities and with their consent, nominated a Committee not simply to inquire into the cause of this boy's death, but into the state, discipline, and management of this institution. That Committee consists of my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), the right hon. Gentleman the Member for Bradford (Mr. Forster), the right hon. and learned Gentleman the Recorder for the City of London (Mr. Russell Gurney), the hon. Member for Berkshire (Mr. Walter), and the Dean of Christ Church (Dr. Liddell), and they will commence their labours on Monday next.

And it being now Seven of the clock, House suspended its Sitting.

House resumed its sitting at Nine of the clock.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair.”

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, 16th July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Public Loans Remission * (150).

Second Reading—Factors Acts Amendment * (140); Public Works Loans (Ireland) * (143); Companies Acts Amendment (No. 3) * (141).

Committee—Pier and Harbour Orders Confirmation (No. 2) * (113); Metropolitan Commons Provisional Order * (111); Open Spaces (Metropolis) * (24-149); General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) * (137).

Third Reading—Local Government Provisional Order (Sewage) * (136); General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) * (135); Colonial Fortifications * (133); Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) * (139), and *passed*.

PRIVATE BILLS—POST OFFICE (TELE-
GRAPHS).

THE TELEGRAPH CLAUSES.

The Christchurch Gas Bill, having been read a third time, it was moved to insert certain of the clauses proposed by the Post Office Authorities to be inserted in Private Bills which may affect the Post Office Telegraph system.

On Question? Motion *agreed to*.

PROTEST.

“DISSENTIENTE.

“1. Because the enactments with respect to Post Office Telegraphs proposed to be inserted in Private Bills of this Session are applicable to the whole of the United Kingdom, and not only to the particular local authorities, and Companies which happen to have Bills before Parliament, and against none of which any charge of having injured telegraphs has been brought, and it is unfair towards these local authorities and Companies to subject them to exceptional legislation.

“2. Because legislation on such a subject should be uniform, secured by a public Bill. The result of submitting the proposed clauses to the decision of Committees on Private Bills has been that they have been in some cases accepted, in other cases rejected or modified and varied in different ways, and it is undesirable in the public interest to give to postal telegraphs such a partial and imperfect protection.

“3. Because when protection to Crown or public property is required in Private Bills, it has hitherto been confined either to a general saving clause that nothing in the Act contained shall be held to authorize interference with such property, or when the property is to be taken or otherwise affected, to prescribing the manner in which it should be dealt with. Also, when Government Departments offer suggestions and amendments to Private Bills, either by reports to the two Houses or by communication with the promoters, such suggestions and amendments have always been strictly confined to the subject-matter of the Bill. In fact, the principle of finality of rights acquired under Private Acts has always been held so important that it is usual in the case of railway, tramway, and other classes of Bills, to insert a clause to the effect that nothing in the Private Act should exempt the Company from the provisions of future general Acts relating to railways, &c., or from any future revision or alteration under the authority of Parliament, of the authorized tolls and charges.

“The clauses proposed by the Post Office, contrary to all precedent, distinctly infringe this principle. For instance, in the case of a Bill for making a new line of railway, clauses are proposed not affecting the new line only but all the lines and works of the Company; and if a gas or water Company asks simply for additional capital the opportunity is seized for inserting clauses which have no reference to capital at all, but affect all the existing and future works, mains and pipes of the Company. In fact, it is proposed to use Private Bills as a vehicle for legislation of a general character, and to obtain in detail by putting pressure upon promoters that which might not be carried if presented as a public measure.

“4. Because one of these clauses which is proposed for insertion in the case of new railway Companies, and of existing railway Companies which have not agreed with the Postmaster General for the sale of their telegraphs, gives to the Postmaster General a right or easement of fixing telegraphic apparatus on the lands and works of the Company without making any payment for the value of the right or easement. In the case of nearly all existing railways the Postmaster General has paid for the value of a similar right or easement, and the promoters of new Railway Bills of the present Session were justified in expecting to be paid for this right or easement just as much as for the conveyance of mails or troops. The clause in question is therefore in the nature of *ex post facto* legislation without notice of an unjust and unusual character.

“REDDALL.

“HAMMER.”

CRIME (IRELAND)—PROTECTION OF LIFE—LEGISLATION.—OBSERVATIONS.

LORD ORANMORE AND BROWNE, in rising to call the attention of the House to the prevalence of undetected and unpunished crime in Ireland; and to ask Her Majesty's Government, Whether it is their intention to propose any measures for the better protection of life in that country, said, that, in 1870, the noble and learned Lord now on the Woolsack made one of his exhaustive speeches on the state of Ireland, stating that it was "not only sad, but shameful," and calling on the then Government to pass measures for the suppression of crime. He foretold that the Bill for the disestablishment of the Irish Church just passed, and the coming Land Bill, would not tend to pacify, but disturb the country. Unfortunately, the present state of Ireland proved his foresight, and if he were now in Opposition, he might with perfect truth repeat every word of the speech he then delivered, for he (Lord Oranmore and Browne) regretted to say it would be his duty to show the House that crime was at least as rampant and unpunished now as it was in 1870. Partly owing to the speech of the noble and learned Lord, and partly from the necessities of the case, the then Government brought forward and passed measures which, while they remained in force, caused a marked diminution in crime in Ireland; but unfortunately, when in 1875 they expired, the Chief Secretary for Ireland, misled by the more peaceful state of the country they had brought about, and having no knowledge of the real state of Ireland save what he derived from Radical officials, brought forward a measure in the other House much less effective than the measures which had expired, and allowed it to be so weakened by that Party, who, if they were not friends of crime, were certainly friends of the criminal, that when passed into law it had proved altogether unequal to meet the exigencies of the case. If that were the case, he might be asked, why was not the attention of the country called to it by some leading Member of the Opposition, either in that, or the other House? The reply was simple—namely, that by so doing the late Government would acknowledge how entirely their message of peace had failed, besides that, at present, the

public mind was too much engrossed by the war in the East to take much interest in the fact of a few murders more or less occurring in Ireland; and, unfortunately, the same cause influenced the Press to hardly notice the extension of crime in Ireland. Therefore, though the matter was too large and important for him to bring efficiently before their Lordships, yet coming from a part of Ireland where murder threw a dark shade of grief and terror over all classes, he felt sure the House would show him that indulgence which it was wont to do on such occasions. The last official Report of crime in Ireland was for 1875. He prayed the attention of the House and the public to some extracts from Dr. Handcock's summary of that Report. It stated—

"The amount of serious crime has now diminished for five years in succession; the amount of crime being less in 1875 than in any one year since 1864, part of the improvement being in agrarian crime."

It should be instructive to their Rulers, to whatever Party they belonged, to remember that it was exactly during these years the Peace Preservation Acts of 1870-71 were in force, and that in 1875 they expired. Dr. Handcock went on to state—

"The favourable result as to agrarian crime up to the end of 1875 has not been borne out in the first seven months of 1876; the agrarian outrages specially reported up to 31st of July being 139 as compared with 82 in the first seven months of 1875—"

that was, no sooner did the Acts for repression of crime cease, than crime increased 75 per cent. That was, in 1876, there were 239 agrarian crimes; while in 1870, the time when the noble and learned Lord on the Woolsack demanded repressive measures, he stated there were 169 offences of the same character. Were not then such measures even more necessary at present? He found again, from the same official Report, that in 1875 there were 35 murders and five attempts to murder, and 176 shootings at and wounding, besides other crimes, making in all 400 crimes against human life. For the 35 murders there were only three persons convicted and executed; so, unless one person committed more than a single murder, there were in this one year 32 additional murderers abroad who had not even been brought to trial, and the convictions

which took place were in cases entirely disconnected with crimes encouraged by the secret societies, such crimes having been committed with entire immunity. He was told by some that crime was confined to particular districts—doubtless there were a larger number of Ribbon crimes from time to time in particular districts—and he doubted not that was done systematically; as if murders were perpetrated all through Ireland at the same time, the country would be put under Martial Law; but he regretted to say the areas in which agrarian crime was committed increased. Formerly the county of Mayo was entirely free from Ribbon crime; now it prevailed there as much as in any part of Ireland, but when he mentioned 35 murders and 400 crimes against human life, the number was enough to show that crime was not localized; as if these crimes were committed in one or two districts, they would become deserts! He was also told that in bringing forward this question he was only wishing to protect the lives and interests of landlords; but the same facts showed that it was not only landlords who suffered, but every class. A landlord being better known, if he was murdered, the murder attracted more attention; but farmers of all classes, who were obliged to be out early and late, both in the fields, and at fairs and markets, were more liable to be attacked. What, therefore, he asked for was, that the people of Ireland should be governed by whatever laws might be necessary to protect life and property, the primary object for which Government existed. He would now call attention to a few cases best exemplifying the prevalence of systematic and unpunished crime. Many of their Lordships were familiar with the case of Mr. Bridge. He would give an outline of it. A Mr. Buckley bought an estate in Tipperary in 1863, and appointed Mr. Bridge his agent. A fresh valuation was made of the different holdings, and the rent of all was increased. Unhappily, in consequence of this, an attempt was made by one of the tenants—believed to be a man named Ryan—on Mr. Bridge's life. That attempt was made on March 23rd, 1875. It was unsuccessful, but Mr. Bridge was wounded, and got compensation at the Limerick Assizes. On March 23rd, 1876, a second attempt was made on the life of Mr. Bridge. He was wounded, and

the driver of the car—on which were Mr. Bridge and two policemen—was killed. Some three or more persons fired; one man, taken in the act, was tried and executed; but two others, who, after the attack, exchanged shots with the police, had never been apprehended. Both these attempts were made in open day. Unfortunately, the matter had not ended there, for only a few days back, two men named Cahill, who were in possession of the land from which Ryan had been ejected, were dreadfully beaten, in open day, at the market of Tipperary, so badly that one of their lives was despaired of: no one attempted to interfere to protect them, though about 70 people were present. There was no room to doubt that this was a persevering and systematic attempt to murder any who were disobedient to the Ribbon laws. Another feature in the case was, that it clearly showed how futile was any attempt to check crime through the action of Land Acts; for, in addition to the compensation for disturbance—probably, not less than 10 years' purchase on the rental—Ryan was offered no less than £200 black-mail, by these Brother Cahills, who took the land he held at a higher rent than he paid for it. The members of these secret societies refused to be bound by any law, save the capricious and bloody decisions of their own body. He stated there was yet another feature in the case at least as unfortunate as any other. And, however unwilling he was to cast a slur on the purity of the highest tribunals in the country, he felt he should be wanting in his duty if he did not call attention to the Charges delivered by three of Her Majesty's Judges, on a demand made to them for permission to allow Mr. Bridge to file a criminal information in this matter. It would occupy far too much of the time of the House were he to go through the whole case; he would, therefore, only read a *résumé* of it, drawn by a hand not very partial to Irish landlords. Lest it should be said that he was attacking those who, not being present, were unable to defend themselves, he had given Notice to the late Lord Chancellor of Ireland, a personal and political Friend of these Judges, whom he saw in his place, of his intention to comment on the conduct of these learned Judges. He had called attention to the two attempts on Mr.

Bridge's life and the late violent assault on the two Cahills. *The Times* wrote thus, in a leading article of December 28th, 1876—

"This unlucky agent, after passing through 'the ordeal by fire,' had to stand the more painful test of savage newspaper criticism. He was denounced as an exterminator, a tyrant, an enemy of the people; he was warned that the attack upon him, for which Crowe had suffered, was only the natural outbreak of a just and holy indignation, and that its repetition could not be prevented by the most ruthless sentences of anti-popular tribunals. Among these threatening criticisms were some of a peculiarly venomous character, published by a leading Dublin and a leading Cork newspaper. Mr. Bridge, the agent and the object of these murderous assaults, applied for a criminal information against the writer of the letters, a person named Casey. A conditional Order was granted, against which Mr. Casey's counsel appealed, and the discussion of the matter in Court has given rise to some of the most eloquent outbursts of political resentment. The application for the discharge of the Order was made to the Court of Queen's Bench in Dublin, which, at present, since the death of Chief Justice Whiteside, is composed of three Roman Catholic Judges—Mr. Justice O'Brien, Mr. Justice Fitzgerald, and Mr. Justice Barry, all of them known to be attached to the Liberal Party." The article stated that no fault could be found with the decision arrived at—

"But the manner in which the case was conducted was, we must say, by no means creditable to the judicial system of the Irish Courts. Mr. Casey had written a letter attacking Mr. Bridge's character as a land agent, which may have been, and, no doubt, was, open to severe criticism, and going so far as to assert that Mr. Bridge was himself the cause of the murder, and, in fact, more guilty than the actual perpetrator of it. Clearly, the *prima facie* case for a criminal information existed in these letters, which were couched in most violent and malignant language, and imputed to Mr. Bridge and his employer the most detestable and deliberate policy of extermination. . . . The libels were defended on the remarkable ground that there was a certain line of conduct on the part of a land agent, within the bounds of practical consideration, which rendered him morally responsible for any crime directed against his own person."

The article concluded—

"The Bar and the Bench have, with a delightful air of unconsciousness, been engaged in discussing a problem which has hitherto been reserved for the consideration of Ribbon lodges, and which is the definition of the point at which landlord oppression makes agrarian crime inevitable, and, as a great many Irishmen will say, justifiable. The law and its interpreters have hitherto been content to assume that murder is always criminal, whether dictated by the wild justice of revenge or not. Nor have apologies for murder been considered excusable, because the apologist might be able to show that the victim was a hard-hearted man."

The Freeman's Journal, entirely approv-

ing of the Charges of the Judges, made this comment on that of Judge Barry—

"The most enthusiastic speaker at a Tenant Right meeting could not have denounced in more indignant or glowing language the treatment to which the tenantry on the Buckley estate have been exposed."

Whether such language on the Bench was conducive to the maintenance of law and order, or whether, by palliating it encouraged crime, he would leave to the House and to the public to decide. But, it might be said, after all, Judges were but men; and he would mention a few facts which might lead to the belief that their conduct in this case was owing to their being influenced by the reign of terror which prevailed. There were Members of the late Government present in the House that night who must be well aware that one of the ablest of the Irish Judges, who distinguished himself by the courageous and successful manner in which he carried out the law, not only against Fenians and Ribbonmen, but also against the lawlessness of his own clergy at the famous election in Galway, was for many years, whether in town or country, under the special protection of the police. They must remember the case where, on entering Court, he called the Sheriff to account for limiting the ingress to the Court to favoured persons. The Sheriff, after Court, informed him that had been done because he had special information that it was intended to shoot him in Court that day. They must be aware that for some time nearly every day of his life both the Judge and his wife received threatening letters. Though there was some truth in the proverb, that eels got accustomed to skinning, yet it hardly seemed a pleasant process. The present Government must be aware of at least one Member of their Lordships' House who was under the special protection of the police whenever he went to Ireland, only because he raised his rents moderately. They must be aware of a gentleman of large property in Ireland who, owing to the danger he was in, absented himself from Ireland for some years, intending last year to return, was prevented by receiving information, which was also given to Her Majesty's Government, that an attempt would be made on his life between the railway station and his own house. They must be aware that

there were few parts of Ireland in which there were not persons under the special protection of the police. It might not therefore be astonishing if even the Judges of the land succumbed to this reign of lawlessness and terror. He would now call attention to some outrages that had occurred during the last few years in his own neighbourhood—that was, within 20 miles of his residence, on the borders of Mayo, Galway, and Roscommon. In 1875, Mr. Nolan, a land agent, was fired at and severely wounded. He swore distinctly to the man who fired at him; but the jury acquitted him. In 1876, Mr. Acton was fired at at 11 o'clock in the day in the high road—there were several persons present, but no one interfered. The supposed cause was that he refused to let a grass field to some tenants who wished for it. This field had never been in their possession. No one was tried for this offence. There had been six murders of small farmers within two years adjoining his residence. In the Spring of the present year part of the Barony of Costello was paraded at night by armed men, who fired into some houses, wounded Mr. Costello's steward, and administered unlawful oaths. About three months back, about 2 in the morning, many shots were fired into the house of a Roman Catholic gentleman named Rush, who was a constant resident, giving employment to a large number of persons, and in every way a popular man. Many shots went into the bed-clothes and gown of Miss Rush, his sister, who fortunately was not in bed; more shots were again fired close to her head when she was sitting in a room adjoining. The lady was so frightened she could not be induced to swear any information. In consequence of this outrage extra police were sent down and charged on the district. At a private meeting called to advise the Lord Lieutenant as to what lands should be charged, only one magistrate attended beside the resident magistrate. All magistrates in the neighbourhood had threatening letters. The parish priest, being a friend of Mr. Rush's, called on him after the outrage, for which reason the people would not pay his dues, consequently, he got up a subscription to pay the cost of the police, and Mr. Rush was advised to pay the cost himself. The Government soon after, contrary to the advice of the magistrates, relieved the district

from further charge for the police, though a man had been arrested in putting a red mark, the sign of blood, on Mr. Rush's door. Near Myloch, in County Galway, 31 slugs were fired into the body of a gentleman named Barrett in open day on the public road. No one was arrested—it was thought he was mistaken for his father, who had some difference with his tenants. Within 10 days Mr. Young was shot dead in the County of Roscommon, a few miles from the site of the previous outrage. He was not 100 yards from his own door. This occurred on the market day of Castlerea, within half a mile of that town. The road was not 200 yards from Mr. Young's house—there was a path by which some neighbours usually went to market close to the spot at which he was murdered; no one passed that way on that day. A report of the murder was current at Claremorris, 20 miles off, the day before it took place. At a public meeting at Castlerea after the murder the parish priest said—"Mr. Young was a good landlord, a just and impartial magistrate, a gentleman most charitable to the poor." The cause of his murder was supposed to be on account of his having committed a man of bad character to prison for two months. A person gave information to the police after the murder that he had seen an ill-looking stranger about—his house was set on fire in four places the night after, and an office burnt down. The police believed they had had the man in custody who committed these outrages; but no evidence could be obtained against him, or any other person. If the Westmeath Act were in force, he could for a time at least be prevented from committing further crime. In 1870, the noble and learned Lord on the Woolsack said, in these crimes the disposition to crime and outrage cropped out; but in addition to that there was a substratum of dissatisfaction and proneness to outrage of which statistics could give no idea. Crime had unfortunately become so habitual that it had a facetious side. To wit—there was a young man in his neighbourhood well known to have committed a murder. His friends always called him by the name of the man he murdered. Let him tell them an old woman's story:—A tenant came to a friend of his to complain of some small differences between him and his

herd. His friend told him he was wrong. Next day an old dame of 70 odd, the mother of the tenant, came to see his friend; he asked her what she wanted, "Aye, sure, your honour, I'm come to give up the land." His friend said—"That's the last thing you'll do; what do you want?" The old woman, with a sly look, replied—"Sure, your honour, had we not better give up the land? Your honour's taken a prejudice against my boy; and in these bad times if anything happened to your honour, they might say he did it." This was a kind, thoughtful old lady; but, with your neighbour just assassinated the joke was a bad one. He was sorry where crime was so common jokes were not confined to one class. He knew a gentleman who went to visit a prisoner in a gaol, awaiting his trial for having fired at a land agent who was unpopular among all classes. He said—"Aye, Pat, you're a botherheaded fellow!" "Why does your honour say that?" "Aye," replied the visitor, "why the Divil didn't you shoot straight?" He supposed that the reply to his statistics would be—Oh! but the Judges all through Ireland were congratulating the Grand Juries on the lightness of the calendar. But what did that do but confirm the statistics he had laid before the House. It showed, not that crime did not exist, but that, whereas formerly the difficulty was to get a jury to convict on the clearest evidence, now so much more was the criminal feared or favoured that no one would come forward to give evidence against him. And even now, what said Judge Lawson, of Tipperary—

"A shocking case occurred in their streets on the 29th of May last, when a man named John Dwyer was assaulted and so injured that he died of his wounds in three weeks after. He received his injuries in the public streets on a fair-day between three and four o'clock, and so confident were the assailants of the concurrence of the people that they made no attempt at concealment. It seemed as if all the persons present had lost all instincts of humanity, with the exception of one woman, who came to the aid of the wounded man, for which she was threatened. She thought to take the injured man into a house, but every door was shut against her. A similar case happened in the town of Tipperary where two brothers, who were pursuing their business, were so badly beaten in the open day that the life of one of them was despaired of."

The last point to which he would call the attention of the House was the unbridled licence of what was called the

National Press of Ireland. Openly and unchecked, it incited to murder and rebellion; by misrepresentation it disseminated hatred between class and class, and inculcated deadly hostility to English connection, as well as to all law or order. He did not generally read these journals, but in looking for comments on Bridge's case, he came upon the Christmas supplement of *The Nation*—a paper having a very large circulation among the middle and lower orders in Ireland. It was full of the poems of a certain deceased Fenian named Richard Dalton Williams—a verse or two would show their tone. In one called "A Prophecy," referring to England and her Government, were these lines—

"Now thou art a sink of evil, a serpent's nest,
a tiger's den,
An iron-crowned and armed devil, having
power to torture men;
Aged tyrant, crime o'erladen, Moloch gorged
with blood and tears
Of martyred brave and ruined maiden—mur-
dress of a thousand years!"

Then there were four war songs—"The Munster War Song," "The Leinster War Song," "The Western War Song," and "The Irish War Song," all in the same spirit, inciting to deadliest enmity to England. One entitled "The Extermination" ran thus—

"When tyranny's pampered and purple-clad
minions,
Drive forth the lone widow and orphan to
die,
Shall no angel of vengeance unfurl his red
pinions,
And grasping sharp thunderbolts rush from
on high!"

These were the songs sung through every village in Ireland. It was to enable the people to read this literature that millions were yearly spent on education; nor was the smallest endeavour made by Government to stay its propagation. Was it astonishing that the Irish people believed crime to be virtuous? He had shown that in one year there were 35 murders, and above 400 crimes against human life undetected and unpunished. He had shown that these outrages formerly perpetrated at night, now were often committed in open day, without any attempt at concealment, in public places, often before many persons, none of whom attempted to interfere with the aggressor, or would give evidence against him. He feared this arose from the Ribbon and Fenian Societies being united

and having a very complete and efficient organization. The perfection of the Fenian organization was shown at the O'Connell Centenary. There were 200,000 strangers in Dublin that day. The Fenians disturbed the municipal arrangements, but not a window was broken, nor a man arrested, even for drunkenness. He had shown that formerly, the worst crimes were confined to a few localities—not so now; their operation was more extended. The district in which he lived was as peaceable as any part of the world, now it was in the sad state he had shown. In fact, these societies, formed only for sedition and murder, ruled in Ireland. The Executive was paralyzed. No one but those who lived in districts where these societies were actively carrying out their work could realize the state of things that existed. It was always believed that the two Peace Preservation Bills of the late Government were passed owing to the Lord Lieutenant (Lord Spencer) happening to be in a locality when two murders were committed. In these districts, disquietude and apprehension—a shadow of an untimely and cruel death—threw a gloom over the whole community. It was not for him to suggest remedies, but the longer they were delayed the more violent they must be. The Westmeath Act, extended to all Ireland, would be useful to check crime, and would only be put in force in those districts where crime was rampant. Her Majesty's Government had a large majority in both Houses of Parliament, and could readily obtain the sanction of Parliament for any measures they might deem necessary for the suppression of crime. The noble and learned Lord on the Woolsack said, in 1870—

"I maintain that the first duty of Government, the first for which it exists, and what constitutes the justification for its being a Government, is that it shall suppress outrage and enforce security for life and property."

That that duty was not fulfilled, the statement he had laid before their Lordships clearly demonstrated; and he asked Her Majesty's Government what measures they proposed towards that end? Great was their responsibility if they refused protection to the loyal and peace-abiding portion of the Irish people.

THE DUKE OF MARLBOROUGH (the LORD LIEUTENANT of IRELAND) said, he had been anxious not to show any want

of courtesy to the noble Lord, and, therefore, understanding that he was about to put this Question this evening, he had come down to the House, and had listened with great attention and patience to all he had to say on the subject. In the course of the noble Lord's speech he could not help being reminded of a remark made by an eminent writer, who, speaking of another Member of their Lordships' House, said he had a wonderful habit of vilifying his own country. Now, the noble Lord had brought an indictment against his country which was certainly of a sufficiently serious description to call for a reply on the part of Her Majesty's Government. He thought he should be able, in the few remarks he had to make on the present state and condition of Ireland, to calm the fears of his noble Friend, and to re-assure him and their Lordships on the present condition of the country. He wished, in the first place, to remark upon the line which his noble Friend had adopted in his allusions to the case of "The Queen v. Casey." It would have been objectionable if his noble Friend had alluded in terms to the remarks which fell in the course of that trial from the learned Judges on the bench—for he held it to be of the highest importance that the freedom and independence of Her Majesty's Judges should be rigidly maintained; but his noble Friend had taken a course which was even more objectionable, for he had quoted newspaper comments upon the opinions expressed by the Judges, without enabling their Lordships to judge whether those comments were justifiable in point of fact, and without enabling anyone to reply to them. Coming to the general question, he (the Duke of Marlborough) could not understand whence the noble Lord obtained the statistics which he had quoted in support of his case. So far as he understood his noble Friend's argument, it was to the effect that the relaxation of repressive measures which existed prior to the year 1875 had tended to an increased commission of the crimes against which those Acts of Parliament were directed. He could not admit the deduction of his noble Friend, because the only relaxation effected by the Act of 1875 was the omission of that part of the Peace Preservation Act which enabled the Lord Lieutenant

Lord Oramore and Browne

to specially proclaim certain districts. It could not be denied that there were some particular parts of the country which gave cause for anxiety at the present time; but it was not fair to infer from that fact that the whole of Ireland was in a disturbed condition, requiring serious attention, and even the interference of Parliament. In 1870 Ireland was in a very painful condition. He found, from the statistics at his disposal, that the number of outrages reported to the police in a series of years were as follows:—In 1870, 4,321; in 1871, 2,897; in 1872, 3,238; in 1873, 2,275; in 1874, 2,096; in 1875, 2,001; and in 1876, 2,048. These figures showed a progressive decrease—owing, no doubt, to the legislation that had taken place of late years—and in the face of them he could see no reason for reverting to the extremely repressive laws which existed prior to the Act of 1875. He believed, from the facts he had stated, that the relaxation that had taken place in the repressive measures that had been passed for Ireland had been wisely conceived and carried out. The figures with regard to agrarian crimes between 1870 and 1876 were as follows:—In 1870, 767; in 1871, 1,329; in 1872, 373; in 1873, 256; in 1874, 213; in 1875, 136; and in 1876, 212. These last figures showed an increase in the number of crimes; but, on examining the details, he found that the crimes were less serious in their character than those committed in the previous years. The number of agrarian murders were:—In 1870, 5; in 1871, 5; in 1872, 4; in 1873, 5; in 1874, 5; in 1875, 9; and in 1876, 4; and up to the 12th of this month in this year there had only been 2. Another remarkable comparison was that relating to threatening letters written on subjects having reference to the land. The following were the figures showing the number of these documents: In 1870 there were 624 cases of threatening letters relating to land; in 1871 there were 173; in 1872, 125; in 1873, 112; in 1874, 78; in 1875, 54; and in 1876 the number had increased to 86. His noble Friend (Lord Oranmore and Browne) had drawn a gloomy picture of the condition of his own part of the country, and it could not be denied that the state of parts of Mayo, Galway, and Roscommon was such as to give some grounds for uneasiness. But, comparing the present condition of

that part of the country with its condition in 1870, he thought the comparison was not altogether unfavourable. He had recently read the charge of Baron Deasy to the Grand Jury at the opening of the Assizes for the county of Mayo in the year 1870. The learned Judge there commented on the state of the county. He mentioned that there were 30 cases of writing threatening letters relating to land, 189 cases of agrarian outrage since the previous Assizes, and 35 cases of administering unlawful oaths—a crime of a very dangerous character. Now, turning from that statement to the reports which had been presented last year he found the cases of outrage had fallen from 189 to 129; and that taking the counties of Galway, Roscommon, Leitrim, and Sligo, there were only 28 cases of the more serious class of outrages—there being in Galway only one case of murder, in Mayo one case of firing at the person, in Roscommon one case of manslaughter, and in Sligo one case of murder, there being absolutely no case of administering unlawful oaths, upon which offence the learned Judge to whom he had just referred had spoken very strongly at Castlebar, while the cases of sending threatening letters had dwindled down to 11. He did not think he need trouble the House with any further statistics. He had already said that the crimes to which his noble Friend had alluded could not be passed over without serious consideration—they were undoubtedly of a very painful character; and it could not be denied that at various times and in various parts of Ireland there were found to be ebullitions of crime. The condition of Ireland was not, however, he maintained to be judged by isolated cases. That condition was, on the whole, progressive and satisfactory. The legislation to which his noble Friend referred had not yet been condemned, and could not fairly be said to have borne any evil fruit. The law which was now in existence with the view to protecting life and property in Ireland was the Peace Preservation Act of 1875, by which the Lord Lieutenant was enabled to proclaim a county; and there were two great provisions of that Act which were of the utmost importance for the prevention of crime—those by which the Lord Lieutenant was empowered to send a special force into a county, and to levy the costs on the inhabitants of the district; and

he had before him a Report of an Inspector with respect to the district to which his noble Friend had referred in his own county, which clearly showed how salutary was the operation of the latter provision especially. He hoped, therefore, his noble Friend would allow his fears to be calmed. He did not for a moment mean to treat lightly any of the cases to which he had referred. On the contrary, he looked upon the statements of the noble Lord as demanding the serious attention of the Government. That serious consideration he had given to them in conjunction with his right hon. Friend the Chief Secretary for Ireland, and they were of opinion that beneficial legislation had already done much, and that the gradual relaxing of the penal laws now in force was a process which need not be discontinued. Their Lordships had no cause for distrust—at all events, he hoped never during his life to have to advise Her Majesty's Government to re-enact laws which so long as they existed must cast a slur upon the country.

LORD O'HAGAN strongly protested against the attacks which had been made by the noble Lord who brought forward the subject (Lord Oranmore and Browne) on persons occupying high judicial office in Ireland, upon totally inadequate grounds, and at a time when proceedings were actually pending before the Courts of Justice with reference to the facts out of which the cases to which the noble Lord called attention had arisen. He himself knew something officially and judicially about the state of Ireland for the last 20 years, and, unless he was labouring under a great delusion, he thought he could show that the condition of the country at the present moment was exceptional—not only in comparison with its own sad antecedents, but such as to place it in a very forward position in the matter of freedom from crime among the nations of the world. The only evidence to which the noble Lord had referred which was really worthy of the attention of the House was that afforded by the judicial statistics; but these statistics showed that in fact there had been a great diminution in the number of agrarian outrages in Ireland. Their Lordships had, perhaps, been shocked to hear of the number of crimes against human life; but it must be remembered that the number given in-

cluded, not only murder and manslaughter, but such offences as endangering the safety of railway passengers, unlawfully abandoning children under two years of age, &c. The case which had been stated by the noble Lord, not against a particular county, but against Ireland in general, rested on the mere gossip of the country, on perfectly unsustained assertion, and on imperfect extracts from the judicial statistics. It was of great importance that such statements should receive an authoritative contradiction. The noble Duke who had addressed the House (the Duke of Marlborough) said in February last, at a banquet in Dublin—

“No capital will ever be expended in a country unless there be due and adequate protection afforded to that capital, so that those who want remunerative investments—investments of capital—whether in land or money, will be secured in the enjoyment of the productiveness of that capital. Now, I find that the most satisfactory feature in the present state of the country is the diminution of crime generally. If Ireland could ever become a law-abiding people, it would be a country unrivalled among the countries of Europe in prosperity and importance.”

In that sentiment he (Lord O'Hagan) concurred; and he thought it would be an injury at once to the Irish people and to the interests of the Empire if reports were spread and credited that Ireland was an unsafe place to live in. To show what was the actual state of things he would refer to the statements made by the Judges at the Assizes held during the last fortnight. It ought to be borne in mind, in considering that evidence, that those Judges received reports of the cases in which the offenders had escaped detection; and as the Irish Constabulary were peculiarly well-informed, it might be assumed that they were aware of every considerable crime. The charges of all the Judges demonstrated that the absence of crime was positively marvellous, and that the condition of things since the previous Assizes had been most orderly and satisfactory. The Recorder of the City of Dublin spoke of the “small number of cases for trial since last session,” and added—

“This circumstance, taken in connection with the satisfactory criminal statistics as exhibited by the reports prepared by the various Crown Solicitors for the going Judges of Assize, was one calling for universal approbation as evidence of the happy change in national affairs.”

In the county of Cork there was at the

The Duke of Marlborough

Macroon Quarter Sessions, in the West Riding, no criminal business; while at the Cork Quarter Sessions, in the East Riding, the chairman congratulated the grand jury on the "absence of crime since last sessions"—no offence of any kind having been reported to the Constabulary from April 29 to June 21. In the County Clare, Mr. Justice Keogh, addressing the grand jury, said—

"Your duty on this side of the Court is very light. There are in all but six bills to go before you, none of which calls for any observation whatever."

In the County of Limerick the Judge said—

"The state of your county, with two exceptions, is a matter for congratulation. I believe the number of bills to be sent before you will not exceed seven or eight."

In the City of Limerick there were only two bills—one for concealing the birth of a child, and the other for passing counterfeit coin. At the Westmeath Assizes, Baron Deasy congratulated the Grand Jury on the "tranquil state" of the county. In King's County Mr. Justice O'Brien spoke of the "peaceable state" of that district. Serjeant Armstrong, who presided at the Assizes in County Kilkenny, said "there was every reason to be satisfied with the orderly condition" of the county. In the City of Kilkenny, Mr. Justice Lawson, addressing the Grand Jury, said "he was happy to say the calendar showed an almost total immunity from crime, there being only one case to go before them—namely, an assault on a warder which had been committed a few days previously." In the county of Longford, in the same way, the Chief Baron told the Grand Jury that their duties would be extremely light, there being only three bills of a simple character to go before them. He complained, however—and it was the only complaint which any of the Judges appeared to have made—that in 15 cases which had been reported by the Constabulary, no person had been made amenable. In Fermanagh, the Chief Baron congratulated the Grand Jury that there was no criminal case to go before them. In Leitrim, the Chief Justice of Ireland observed to the Grand Jury, that there was but one bill to go before them, and it was not likely to engage their attention long. In Sligo, only a few days ago, Baron Dowse congratulated

the Grand Jury on the peaceful state of the county, as there were only six indictments to go before them, representing four cases, and remarked that from the returns published there appeared to be "no undiscovered crime." The learned Judge also said he was assured by the County Inspector that there had been a remarkable decrease in all classes of crimes, especially assaults. In a word, the charges of all the Judges who had addressed Grand Juries since the Assizes began testified not only to the absence of crime, but to the quiet and satisfactory condition of the country, and it appeared to him that the noble Lord (Lord Oranmore and Browne) would have done well to have ascertained those facts before he ventured to make the particular cases which had occurred in his own neighbourhood the ground of a libel upon the whole of Ireland. Within the memory of man that country had never been in so peaceful a state as at the present moment. He (Lord O'Hagan) was sure their Lordships would agree that the noble Lord's impeachment had entirely failed in fact, and that it had been conclusively answered by the highest authorities.

LORD CARLINGFORD remarked that the speeches of the Lord Lieutenant and of his noble and learned Friend who had just sat down had corrected in a very important and satisfactory manner the statements of the noble Lord who had introduced the subject. But for those two speeches the House might have been under the impression that Ireland was, so far as crime was concerned, in a very bad condition indeed:—instead of which it appeared that the condition of the country on the whole was peaceful and satisfactory, and that there was less agrarian crime than there had been at almost any other period. When it was considered that in 1870 or 1871 the number of agrarian crimes committed in Ireland amounted to 1,329, and that in 1876 there were only 212, it would be seen that there was no cause for such alarm as the noble Lord seemed to feel. The cases which had recently occurred no doubt called for serious notice; but they were only, so to speak, survivals of the state of crime which had existed in Ireland for generations. In introducing in "another place" the Peace Preservation Bill of 1870, he had the satisfaction of stating that bad as things were at

that moment, they compared favourably with earlier years; that while in the year 1846 the number of cases of all kinds reported by the Constabulary was 20,000, in 1870 the return had fallen to 4,000, and the gradual diminution thus indicated had continued down to the present time. In these circumstances, which were so well calculated to inspire them with hope as to the future, it seemed to him that the noble Lord had altogether failed to prove the necessity of the very serious and formidable step which he asked the Government to take. Repressive legislation, although sometimes necessary, could not but be regarded as an evil; it created a bad feeling among the ignorant and excitable classes, and was used by a certain set of politicians in Ireland to keep alive and intensify the old traditions of hostility to England. A return to such a state of things was not therefore to be lightly proposed; and if ever the Government should be compelled to take that step, they might expect to see a postponement of the day when the Irish people as a whole would be animated with respect for the law and goodwill towards this country.

LORD ORANMORE AND BROWNE, in reply, said, he contended that neither the noble Duke, nor the other noble Lords had attempted to reply to his statistics of crime; indeed, as they were taken from the last statistics published by the authority of the Government, it was impossible to do so. The noble and learned Lord had quoted from the Charges of the Judges in Ireland at last Assizes, but had failed to notice the charge of Judge Lawson which he (Lord Oranmore and Browne) had read; and those the noble and learned Lord had read, with one exception, adverted only to the lightness of the calendar, which, as he had foreseen, proved only that no evidence could be obtained to bring to trial those who had committed crime, while the statistics evidenced beyond doubt that crime was prevalent. He perfectly agreed with the quotation made by the noble and learned Lord (Lord O'Hagan) from a speech delivered in Dublin by the noble Duke (the Duke of Marlborough), that prosperity would come to Ireland if ever it became a law-abiding country; but he held that all evidence went to show that Irishmen must be made to fear the law before they would obey it. He must have a

Lord Carlingford

far greater interest in capital coming into Ireland, as well as in the existence of order, than any of the noble Lords who had spoken, because he was so unpatriotic as to wish to sell his property, and in the meantime he resided there. He regretted exceedingly that Her Majesty's Government so little appreciated the dangerous state of Ireland as to deem that crime could be suppressed without demanding further powers from Parliament.

PRECOGNITION (SCOTLAND)—SUDDEN AND SUSPICIOUS DEATHS.

MOTION FOR RETURNS.

THE EARL OF MINTO moved for Returns from each county in Scotland of the number of cases of sudden death or of death under suspicious or unknown circumstances which had been the subject of precognition (secret inquest) by procurators fiscal (public prosecutors) in each of the years 1875-76; also specifying the number of such cases as have afterwards been the subject of criminal trials.

THE DUKE OF RICHMOND AND GORDON had no objection to the production of the Returns, provided the words "secret inquest" and "public prosecutors" were struck out; he did not see how they were necessary.

THE EARL OF MINTO said, that his only wish in introducing those words was to make the Notice more intelligible, it being often said that Scotch law language was so barbarous that nobody in England understood it. All he wished was to make the Return as intelligible as possible, and he could not understand the objection the noble Duke had to the words; but, of course, if the noble Duke objected to them, rather than not have the Return he would leave them out.

The words having accordingly been struck out—

Motion *agreed to*; Returns ordered to be laid before the House.

House adjourned at a quarter past
Eight o'clock, till To-mor-
row, Two o'clock

HOUSE OF COMMONS,

Monday, 16th July, 1877.

MINUTES.]—SUPPLY—considered in Committee
— CIVIL SERVICE ESTIMATES—CLASS III.—
LAW AND JUSTICE—Resolutions [July 12 and
13] reported.

PUBLIC BILLS — Ordered — First Reading —
Solway Salmon Fisheries* [250]; Saint Catherine's Harbour, Jersey* [251]; Metropolitan Board of Works (Money)* [252]; Treasury Chest Fund* [253].

Committee — Report — Telegraphs (Money)* [227]; Elementary Education Provisional Order Confirmation (Felmingham, &c.)* [223].
Third Reading—Consolidated Fund (£2,000,000)* and passed.

QUESTIONS.

EGYPT—CENTRAL AFRICA—THE KING OF UGANDA.—QUESTION.

SIR ROBERT ANSTRUTHER asked the Under Secretary of State for Foreign Affairs, Whether the Government have received, or will endeavour to obtain, any assurances from the Khedive of Egypt that the freedom and independence of M'Tese, the friendly chief or king of the Uganda territory in Central Africa, will be respected; whether the Government have sent, or will send, instructions to the British Envoy in Egypt that it is their desire that the independence of M'Tese should be respected; and, what arrangements have been made by the Government to carry out the Resolution of the House of Commons in April 1876, regarding the payment to the Church Missionary Society for the expenses incurred by its agents in the maintenance and protection of liberated slaves?

MR. BOURKE, in reply, said, that representations had been made to the Khedive of Egypt, and also to the British Envoy, Colonel Gordon, which he hoped would be the means of securing the freedom and independence of M'Tese, the Chief of the Uganda territory, and Her Majesty's Government had expressed a hope that the rights of M'Tese would be respected by the Khedive. In regard to the last part of the Question, relating to the liberated slaves, the words "Church Missionary Society" were not in the Resolution passed last

year, but the Resolution was simply to make adequate provision for liberated slaves. Whatever he had said, however, he was prepared to stand by when the proper time arrived; but to give a grant from the public treasury to one particular society would be a matter of considerable difficulty. The subject, however, had not been lost sight of, but, on the contrary, several letters had passed upon it between the Government and Dr. Kirk, and he hoped before long that some information would be received by which the Resolution of the House of Commons would be given effect to.

THE GAME LAWS (SCOTLAND)—EMPLOYMENT OF CONSTABLES.

QUESTION.

MR. J. W. BARCLAY asked the Secretary of State for the Home Department, Whether his attention has been called to a report of a recent game trespass prosecution in Perthshire, in the course of which one of the county constables gave evidence to the effect that on a particular morning he had watched Lord Kinnoull's game for five or six hours; that when requested by the head gamekeeper he was sometimes weeks so engaged; that he was not paid by the Earl of Kinnoull; that he was watching every week in the month, and he believed every constable was the same, "it was their duty to do so;" whether one-half the wages of these constables is paid from the Imperial Treasury; whether it is the duty of constables to watch game; and, if not, whether he will take steps to prevent the employment of constables as game watchers?

MR. ASSHETON CROSS, in reply, said, he was informed that the constable had misstated the facts of the case. Under the General Police (Scotland) Act, 1857, Section 7, the chief constable, on the application of any person, with the approval of the Sheriff, might appoint and cause to be sworn in an additional number of constables within the limits of his authority at the charge of the person or persons making the application. He was informed that the constable in question was appointed under the statute not simply to watch the game, but to keep order in the neighbourhood of Lord Kinnoull's place. The man was paid entirely in that way, and

under the Act he became of course part of the police force; but the whole of the payment came from Lord Kinnoull, and not from the State. With regard to the statement of the constable, that it was his duty to watch game, all he (Mr. Cross) had to say was that it was not so. It was not the duty of the constable to watch game, and if found employing his time in that manner he would not be doing his duty as a constable, and would not be entitled to payment from the State.

TURKEY—BULGARIA—THE PROTECTORATE OF THE CZAR.—QUESTION.

MR. E. JENKINS asked the Under Secretary of State for Foreign Affairs, Whether he can lay upon the Table of the House an authentic Copy of the Czar's Address to the Bulgarian people; whether Her Majesty's Government has any information confirming the statement of the "Times" correspondent at Berlin, a distinguished philologist, to the following effect:—

"That Prince Tcherkasski's design for the reorganisation of Bulgaria includes the introduction of the Russian language in the Army and Civil Service, and the immediate transfer of all the landed property to the Christians—the introduction of the Russian language involving the appointment of Russian civil and military officers, no Bulgarian being able to read a line of Russian unless he has studied the language or acquired it in Russia;"

and, if this be true, whether Her Majesty's Government will not protest against a proceeding inconsistent with the solemn assurances of the Czar and of the Russian Government at and before the commencement of the war? He might add, in explanation of the Question, that three different translations, each varying from the other, of the Czar's proclamation had already appeared.

MR. BOURKE: Sir, Her Majesty's Government have received a copy of the Czar's proclamation in Bulgaria, and there will be no objection to lay it on the Table. With regard to Prince Tcherkasski, we have also heard from Bucharest that he is charged with the re-organization of Bulgaria, and is accompanied by 400 civil *employés*. As to the other parts of the hon. Member's Question, we have not received any official information, and therefore I need say nothing respecting it.

Mr. Assheton Cross

H.M.S. "INFLEXIBLE"—THE COMMISSION OF INQUIRY.—QUESTIONS.

SIR JOHN HAY asked the Secretary to the Admiralty, If he can name to the House the Committee who are to investigate the question as to the stability of H.M.S. "Inflexible?"

MR. A. F. EGERTON, in reply, said, that Admiral Sir James Hope, Mr. George Rendell, Mr. Froude, and Mr. Woolley had been appointed to investigate the stability of the vessel referred to.

MR. GOURLEY asked if the Mr. Rendell in question was the gentleman who had the contract for the completion of the *Thunderer*?

MR. A. F. EGERTON, in reply, said he was not certain that that was the case; but the Mr. Rendell in question was a very well-known engineer in the North, and was supposed to be fully competent to investigate such questions as would be placed before the Committee.

METROPOLIS WATER ACT, 1871—SOUTHWARK AND VAUXHALL WATER-SUPPLY.—QUESTION.

COLONEL NORTH asked the President of the Local Government Board, If his attention has been called to the Report of Dr. Frankland upon the water supplied by the Southwark and Vauxhall Company—that it is "full of moving organisms, and contains an excessive proportion of organic impurity;" and, if he will take steps to insure a supply of pure water from that Company?

MR. SCLATER-BOOTH: Sir, my attention has been called to the recent Report of Dr. Frankland to which my hon. and gallant Friend refers. But complaints had previously been made to me by the Wandsworth District Board of Works as to the state of the water supplied by the Southwark and Vauxhall Company, which has for some time been unsatisfactory, and the Water Examiner has, by my directions, been in communication with the company on the subject during the last two months. On the 4th of July last I issued an Order directing that a special inquiry under Section 35 of the Metropolis Water Act, 1871, should be held by Major Bolton, and that inquiry will be held immediately. It is fair to add that the company have been incurring a large expenditure dur-

ing the past year for renewal of their filters at Hampton and Battersea, a work which they admit to have been too long neglected. It remains to be ascertained what further works may be necessary to put this company's supply into a satisfactory state, and what effect the works already executed will have upon it.

PUBLIC HEALTH—SMALL-POX (METROPOLIS).—QUESTION.

DR. LUSH asked the President of the Local Government Board, If he will state to the House the present condition of the Metropolis with respect to small pox; and, whether any and what measures are being taken or fostered by him to prevent or check the prevalence of the disease in the future?

MR. SCLATER-BOOTH: Sir, according to the latest accounts there are 621 inmates of the five metropolitan hospitals. This number as compared with numbers ranging from 850 to 950 during April and May, must be considered comparatively satisfactory. There is also spare accommodation for 483 cases now available for the pauper and poorer classes of patients, so that there are means for the treatment of all who might require to be brought under care in the metropolis. It may be said, generally, that the epidemic is abating, and that the increased amount of accommodation available, together with increased activity in effecting removals and greater attention to vaccination, has enabled the authorities to hold the disease in better check than was the case when the last epidemic prevailed. Some of the Vestries have provided accommodation, and some Vestries and Boards of Guardians have taken steps by house-to-house visitation to insure greater attention to the practice of vaccination. Although, as I have said, the epidemic appears to be subsiding, it is not yet at an end. I shall, however, take care to have its history investigated and the experience of the last 12 months collected and put into shape, with the view of considering whether further legislation is required. Meanwhile, as the House is aware, I have caused several clauses, which I think may be useful, to be inserted in the Public Health (Metropolis) Bill.

ARMY—MEDICAL SERVICE, INDIA.

QUESTION.

DR. LUSH asked the Under Secretary of State for India, If the rumour that the Local Medical Department in India is about to be abolished and that the administration of the Army Medical Service in India is to be in future in the hands of the Indian Government only, is correct; and, if he has any objection to state the grounds of the proposed change?

LORD GEORGE HAMILTON: Sir, the Government of India have for some time past had the whole question of the Army Medical Service in India under their consideration, but they have not communicated any conclusions. I am not, therefore, in a position to be able to state what modifications may be proposed, or the reasons for them.

THE PERSIAN EMBASSY, 1873.

QUESTION.

SIR THOMAS CHAMBERS asked the Under Secretary of State for Foreign Affairs, What steps have been taken, and what further steps it is proposed to take, to secure payment to English creditors of debts incurred by members of the Persian Embassy in the year 1873?

MR. BOURKE: In reply to my hon. and learned Friend I have to state that the steps taken in favour of the creditors of the Persian Embassy in 1873 are these—The applications of the different creditors that were sent to the Foreign Office have been sent to Her Majesty's Minister at Teheran, and some of them have been presented to the Persian Government. From the last reports it appears that the late Chargé d'Affaires of the Persian Mission in England had announced his intention of paying his English creditors whenever his circumstances would permit. It is not the intention of Lord Derby to take any further steps in the matter than by referring the applications of the creditors which may from time to time come to the Foreign Office to the Persian Government at Teheran.

LOCAL FINANCE—SCOTCH, WELSH, AND COLONIAL LOANS.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked the Secretary to the Treasury, To

state if the Public Works Loan Board can be called on to show Scotch loans, Welsh loans, and Colonial loans; also to render detailed statements of the separate loans outstanding on the date the new Board was formed, with rates of interest, duration of loan, and annuity to pay off the individual loans; also to show all loans to Harbours under the Passing Tolls, &c. Act, 1861, with details relating thereto?

MR. W. H. SMITH, in reply, said, that a Return of a similar character was moved for in 1871; but he did not think it desirable such Returns should be made too frequently, as it would involve a serious interference with the business of the Office. He therefore hoped the matter would not be pressed. But he would consider, in concert with the hon. and gallant Gentleman, whether those Returns might not be made every 10 years.

CRIMINAL LAW—SANE AND INSANE PRISONERS.—QUESTION.

SIR JOSEPH BAILEY asked the Secretary of State for the Home Department, Whether it is the intention of the Government that the State should assume the custody and bear the cost of maintenance of insane as well as of sane prisoners; and, whether, in the event of this not being so, the local authority on whom the cost of maintaining insane prisoners falls is entitled in the case of such prisoners to the Government allowance of four shillings per week which is given in the case of lunatic paupers?

MR. ASSHETON CROSS, in reply, said, he must divide these prisoners into two classes. The first were those acquitted on the ground of insanity, but detained during Her Majesty's pleasure. These properly were not criminal prisoners, and the fact that they were detained could make no difference. The Prisons Act made no change with regard to their maintenance. With regard to those persons who were convicted and afterwards became insane, so long as they were in detention under their sentences the whole expenditure would be borne by the State. When their sentences expired, owing to their being lunatics, it might be necessary to keep them in detention. They would then become pauper lunatics and chargeable

General Sir George Balfour

to the county, and the Government allowance for pauper lunatics would, of course, be made in such cases.

POST OFFICE TELEGRAPH DEPARTMENT—THE ROYAL ENGINEERS.

QUESTION.

SIR EDWARD WATKIN asked the Postmaster General, Whether any proposals have passed, and, if so, whether they have been entertained by his Department, with a view to substituting military for civil employés in the Postal Telegraph Departments?

LORD JOHN MANNERS, in reply, said, it had been decided to employ the Royal Engineers in the Postal Telegraph Service to the extent desired by the Secretary of State for War, and, consequently, that the whole of the South of England from the Thames to Land's End would be placed under their charge.

RUSSIA AND TURKEY—TURKISH BLOCKADE OF THE BLACK SEA.

QUESTIONS.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Government has been called to the recent cruise in the Black Sea of the Russian Government steamers "Constantin" and "Vladimir," in the course of which they met no Turkish men-of-war, but on the contrary succeeded in capturing certain Turkish merchantmen; and, whether there is not reason to believe that the Turkish blockade of the coasts of Russia is so intermittent as to be "ineffective?"

MR. BOURKE: Her Majesty's Government have been informed that the Russian Government's cruisers have captured Turkish merchantmen in the Black Sea; but the information at the disposal of Her Majesty's Government is not sufficient to enable us to say whether the blockade is efficient or not.

SIR CHARLES W. DILKE subsequently asked, Whether Her Majesty's Government were taking steps to inform themselves as to the efficiency of the blockade?

MR. BOURKE said, he had received no Notice of the Question.

SIR CHARLES W. DILKE said, he would put it to-morrow.

NAVY—H.M.S. "INFLEXIBLE."

QUESTION.

CAPTAIN PIM asked the Secretary to the Admiralty, Whether his attention has been drawn to a letter in the "Times" of the 13th inst., signed E. J. Reed, House of Commons, July 11th, in which it was alleged that, with reference to the Return, Navy (H.M.S. "Inflexible") No. 295,

"the figures given in the table on page 10 as representing the case are wrong in respect of both ships, as the sheet of diagrams and the small-type foot-note on page 11 clearly shows;"

also to the fact that the present Chief Constructor in the said Return, at page 19, makes grave statements against the greater portion of the ironclad vessels designed by the late Chief Constructor; and, whether, under these circumstances, he will not consider the desirability of an inquiry into the whole subject being made by a Select Committee of this House, instead of a limited inquiry by an Admiralty Committee as at present contemplated?

MR. A. F. EGERTON, in reply, said, he begged to inform the hon. and gallant Gentleman that he had seen the letter, and it was his duty to state that the Admiralty was not prepared to recommend either that the question relating to the *Inflexible*, or the larger questions connected with our iron-clad Fleet, past, present, or future, should be referred to a Committee of that House.

CAPTAIN PIM: Then I beg to give Notice that to-morrow I shall repeat my Question in another form.

PERU—THE PERUVIAN IRONCLAD

"HUASCAR."—QUESTION.

CAPTAIN PIM asked the Secretary to the Admiralty, Whether he has any objection to place upon the Table of the House the Despatches which reached the Admiralty on Wednesday night or Thursday morning last from Rear Admiral de Horsey reporting the particulars of the encounter of Her Majesty's ships "Shah" and "Amethyst" with the Peruvian ironclad "Huascar?"

MR. A. F. EGERTON, in reply, said, there would be no objection to lay on Table the Paper referred to; but in the opinion of Her Majesty's Government, it would be very inconvenient to lay it

on the Table until they were able to lay on the Table at the same time the judgment of the Admiralty respecting it. The Papers were now in the hands of the Law Officers of the Crown, and he trusted their opinion would not long be delayed.

CATTLE DISEASE (IRELAND) ACT—
IMPORTATION OF STOCK INTO
IRELAND.—QUESTION.

MR. PEMBERTON asked the Chief Secretary for Ireland, Whether the Irish Privy Council have considered the expediency of relaxing the regulations prohibiting the importation of stock into Ireland from Great Britain, especially of sheep and pigs, which cannot convey any infection of cattle plague?

SIR MICHAEL HICKS-BEACH: Sir, it has been thought better to retain these restrictions in force while any risk remained; and I believe the cordon which was established round the London metropolitan district has not yet been removed. But the Privy Council probably will shortly again allow the importation of stock into Ireland, especially sheep and pigs.

NATIONAL SCHOOL TEACHERS AND
TENANT-RIGHT.—QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, Who it was communicated to the Education Board information that Michael and Patrick Gurney, the teachers of the National School, Headford, county Galway, had attended a tenant right meeting; whether such information was anonymous; and, whether it is not a violation of the Board's own rules to attend to anonymous communications affecting the position of teachers?

SIR MICHAEL HICKS-BEACH: Sir, I understand that the information on which the Commissioners acted in this matter was a report in a newspaper, which was forwarded to them, of a tenant-right meeting, in which report it was stated that Michael and Patrick Gurney were among the persons attending the meeting. I think a report of the kind could scarcely be held to fall under the rule of the Board against attending to anonymous communications.

CRIMINAL LAW — ALLEGED MISCARRIAGE OF JUSTICE — CASE OF STYRAN AND CROWTHER.—QUESTION.

MR. JOSEPH COWEN asked the Secretary of State for the Home Department, Whether his attention has been called by a Memorial signed by 250 of the attorneys, merchants, tradesmen, and others, of the town of Driffield, to the fact that two men, of the names of Styran and Crowther, in the employment of Taylor's Patent Sewing Machine Company Limited, were sentenced by the justices at the Driffield Petty Sessions, on the 14th June last, to a fine and costs, amounting to £2 17s. 6d. each, or, in default, to six weeks' imprisonment; and, further, that notwithstanding this sentence, and the tender of the money on behalf of the men within seventeen minutes of the decision, the magistrates' clerk refused to receive it, and made out the commitment to the Beverley House of Correction, omitting entirely that part of the decision which gave the men the option of a fine; and, whether he will recommend compliance with the prayer of the Memorial?

MR. ASSHETON CROSS, in reply, said, that if the facts of the case were as stated by the hon. Member, he would at once have acted in accordance with the suggestion made in the Question; but he was assured by the magistrates that the facts were not as stated. The men did not get the option of a fine, but had been convicted of stealing, and that under an Act of Parliament according to which the magistrates had, in their judgment, no option but absolute imprisonment. Indeed, he was assured by the magistrates that even had they possessed the power, they would not have exercised it. The whole matter as to the fine and costs of each prisoner amounting to £2 17s. 6d., and the option, probably arose from some statement made by the Chairman of the Bench at the beginning of the proceedings, but which had nothing to do with the final determination which was arrived at.

NATIONAL TEACHERS ACT, 1875—
WORKHOUSE TEACHERS.—QUESTION.

MR. CHARLES LEWIS asked the Chief Secretary for Ireland, Whether Her Majesty's Government is prepared to take steps to secure to the Irish work-

house national teachers the same privileges as regards results fees earned under the conditions laid down by the Commissioners of National Education as are possessed by the ordinary national school teachers?

SIR MICHAEL HICKS-BEACH: Sir, the National Teachers Act of 1875 allowed the Board of Guardians of any Union to vote results fees to the teachers of the workhouse school. But I do not think it would be possible to place these teachers on precisely the same footing as other teachers in this respect. Their general position is very different, and in some points much superior, to that of the ordinary national teachers.

IRISH LAND ACT, 1870—CLERKS OF
THE PEACE (IRELAND).—QUESTION.

MR. CHARLES LEWIS asked the Chief Secretary for Ireland, Whether the reduction from £80 to £45 recently made by the Treasury in the salary fixed in 1874 to be paid to the clerk of the peace for the county of Londonderry in respect of his services under the Land Act of 1870 has been made with the knowledge and concurrence of the Lord Lieutenant or Lord Chancellor of Ireland; and, if he will lay upon the Table any Correspondence between the Treasury and the Irish Executive upon the subject of that and similar reductions?

SIR MICHAEL HICKS-BEACH: Sir, this reduction has been made in accordance with the general arrangement on the subject which was arrived at in 1874 by the Treasury, with the concurrence of the Irish Government. This arrangement was to fix the salary for a term of three years on the average number of days occupied in the work during the three preceding years, allowing £3 3s. a-day for each day's attendance at land sessions, whether business was done or not; and a certain addition for office expenses. On this basis the salary of the clerk of the peace for county Londonderry was fixed at £66 3s. for salary and £13 17s. for office expenses, making a total of £80. But when, in the present year, the time came to revise these salaries, it was found that in the three years since 1874 the business had so much decreased, as compared with the three years before 1874, that the salary, calculated on the same basis, must be reduced to £45. I do not think

the correspondence would give any more information than that which I have stated to the House, and therefore I do not propose to lay it on the Table.

THE CATTLE PLAGUE—SPREAD OF THE DISEASE.—QUESTION.

COLONEL KINGSCOTE asked the Vice President of the Council, Whether it is true that rinderpest has again broken out in a dairy in the metropolitan district; if he will state the circumstances; and, whether any attempt was made to conceal the disease by the owner of the dairy; and, also, whether the dairy was previously under inspection?

VISCOUNT SANDON: Sir, I am very sorry to say that a fresh outbreak of the cattle plague has been detected at Bethnal Green in a shed containing 10 cows, seven of which were affected by it. They were all slaughtered at 5 p.m. yesterday, after being condemned by the Inspector of the Privy Council, Mr. Cope. The owner did not make any report of the sickness amongst the cows, as required by the Order in Council. The origin of this outbreak, I am sorry to say, has not been traced as yet. Fortunately, the Order under which no animal is to be allowed to leave the metropolis alive is still in force, and also the Orders under which the Privy Council deal with cattle plague in the metropolis. This afternoon we have passed an Order in Council restricting the movement of cattle in the metropolis north of the Thames except for immediate slaughter; and I can assure my hon. and gallant Friend that we will take every step to check the outbreak as far as we can.

PLUMSTEAD COMMON — LEGAL PROCEEDINGS.—QUESTION.

In reply to Mr. BOORD,

THE CHANCELLOR OF THE EXCHEQUER said, the Government did not think that the case of Messrs. Cowing and Deadman, who were imprisoned upon an order for payment of costs in their unsuccessful suit against the Crown, but were afterwards released by the order of the Government, was one in which compensation ought to be given.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CONTROLLER OF THE STATIONERY OFFICE—APPOINTMENT OF MR. T. D. PIGOTT.—RESOLUTION.

MR. J. HOLMS, in rising to move—

"That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State,"

said, that the Committee in question was appointed in 1873, and numbered amongst its Members three of the present Ministry and two ex-Ministers. They devoted the greater part of their time to an inquiry into the Stationery Department, which they found to be *sui generis* in its relations to the Treasury, being, in fact, practically under the control of the Treasury, of which its head was an executive officer. The character and extent of the work in the Stationery Department were shown by the fact that in 1872-3 £484,000 was expended in contracts for paper, printing, bookbinding, and small stores, and the total expenditure, taking the Post Office, the *Gazettes*, and other branches, amounted to a total of £680,000. Of these, the sale and distribution of Parliamentary Papers came to £100,000 a-year. There was also, under its roof, a department which had to do with the *Gazettes*, yielding a profit in 1874 of £27,000. It was, in fact, a miscellaneous Department, demanding in its head much knowledge and experience. The Committee did not regard the late Controller (Mr. W. R. Greg) as being fully acquainted with the stationery trade, the fact being, as he (Mr. Holms) believed, that he was appointed by Lord Palmerston, very much because he was a man of literary attainments, and not because he was acquainted with the stationery trade. He entered upon his office perhaps under the impression that he was to some extent

free to do what he liked. It had indeed been said of the office of Controller of the Stationery Department, that it was "the Deanery of the Civil Service." It appeared that Mr. Greg was not well acquainted with the duties of his office, nor was it to be wondered at, seeing that he only came down for a few hours at the end of the day to sign cheques, money orders, and documents of that kind. Fortunately, he had next to him a gentleman, Mr. Reid, who showed such knowledge and ability that it was believed that, if he had not been in a secondary position, a great saving might have been effected. Since 1874 the Department had been under leading strings to the Treasury, and the present Secretary to the Treasury was well acquainted with its details, and during the last two years good work had been done. The amount saved last year, for example, on certain items of the Vote of £494,000 was £45,000, or something like 9 per cent; and he was told that a saving of £25,000 additional was anticipated on other Votes next year, making, on the whole, a saving of over £70,000. Now, that sum was a saving in the work done for Home Departments alone. Well, in relation to the Indian Department they were bound, he considered, to pay attention to it; and it was to be hoped that there would be a saving in work done in that Department to the same proportion. But although the Stationery Department had been well managed since it had had the assistance of the Secretary to the Treasury, the House could not always expect to have the aid of one who was so well versed in the business of the Department. What was wanted, therefore, was that the Controller of the Stationery Office should himself be practically acquainted with his work. The Committee accordingly recommended that at the next vacancy provision should be made for placing under one officer, who should possess the requisite technical knowledge of stationery and printing, the control of all the details of the Stationery Office and the management of the *London, Edinburgh, and Dublin Gazettes* subject to the Treasury. They also reported that great public convenience would be attained if the whole arrangement of the sales and the distribution of Parliamentary Papers and Government Papers

Mr. J. Holmes

were under the care of the Controller, and that a central dépôt might be established. The spirit of the recommendations of the Committee was, that the head of the Department should have his duties somewhat increased, and that he should be practically acquainted with the trade, as if he were really a stationer. The evidence taken by the Select Committee was very voluminous, and as to any part of the Report, there was very little difference of opinion, while in respect to the Stationery Department, the Committee were unanimous. They could not expect a first-rate man for the salary paid to the late Controller, but it would be better to pay £2,000, £3,000, £4,000 or £5,000 a-year to get such a man. The question was, How far did the recent appointment to the head of the Stationery Department meet those recommendations? The gentleman appointed was Mr. T. Digby Pigott, against whom he had not a word to say, everything he had heard of him being greatly to his credit. But who was Mr. Pigott? He was first introduced in the year 1859 as a temporary clerk in the War Office, and became one of the establishment in 1860. Subsequently, he became Secretary to the several Under Secretaries of State for War, and upon one occasion was Secretary to a Royal Commission—that upon the Promotion and Retirement of Army Officers. When appointed to the office of Controller of the Stationery Office he was one of 101 junior clerks in the War Office, being 69th upon the list, and in receipt, he believed, of £300 or £400 a-year. It was not pretended that he possessed the qualifications laid down in the recommendations of the Committee; he was not exactly the man the Committee had had in mind in making those recommendations. Indeed, the Secretary to the Treasury stated, in reply to a Question put on the 16th of June last, that Mr. Pigott did not possess any technical knowledge of stationery or the like, adding, however, that the Prime Minister had given careful consideration to the Report of the Select Committee. Well, if the noble Lord had, he (Mr. Holmes) could not but think that a very different man would have been appointed. He was afraid that in this, as in some other appointments made by the Prime Minister, the interests of the country had not

been foremost in his mind, and that there had been something behind. How was it in the present case? He did not know what was behind; but he understood that Mr. Pigott was a son of the late rector of Hughenden, who, he believed, with his family, had rendered valuable assistance to the Prime Minister in that county which he had so long and so creditably represented. Was such an appointment, he asked, fair to the country? Was it fair to the Civil Service? Either the position was to be regarded as a sinecure, or it was not. If the man to hold it should be well acquainted with the duties to be performed, then Mr. Pigott was not the man. If, on the other hand, it was to be considered as a prize for State purposes, it would not be contended that Mr. Pigott had rendered such valuable services to the State as that he should be appointed. The predecessor of Mr. Greg, the late Mr. M'Culloch, was not only eminent in literature, but was perfectly well acquainted with the details of the Department over which he presided. Mr. Greg was not, but he was eminent in literature. Mr. Pigott knew nothing about stationery, nor was he eminent in a literary walk of life. In the Department itself might have been found a man who stood next to Mr. Greg, and was every way suited to the position of Controller. He alluded to Mr. Reid, who was in receipt of £700 a-year, and there was also the editor of the *Gazette*, who received about £800 a-year; and it had been owned by the Secretary to the Treasury that there were many able men in the Department. But if even that were not so was it not possible to find a suitable man outside it? Surely it was. He could not believe that the appointment would be defended by any right hon. Gentleman on the Treasury Bench. But he came to the broad question of the value of Select Committees of that House. Was the House of Commons prepared to admit that Select Committees which had done good service in the past with respect to public Departments, and the expenditure of public money were to be regarded not as a reality, but as a sham? Were their recommendations to be treated as mere waste paper? He did not believe so; for if they were, then he could not but think that hon. Members would lose all interest in serv-

ing on them or in moving for their appointment. Then the House should consider the effect of such an appointment on the Civil Service generally. It would produce a feeling of great disappointment, for had the promotion been within the Department a step would have been given to 50 or 60 *employés*. Instead of that, the Service would see that a junior clerk had been lifted from the War Office and placed at the head of a great public Department. It was not a little remarkable that a Royal Commission of which Mr. Pigott had acted as Secretary, was the Commission on Retirement and Promotion in the Army, the object of which was to obtain a flow of promotion in the Army; but if a flow of promotion was good for the Army, was it not also good for the Civil Service? He hoped the House would support the Resolution, as in doing so it would establish its own dignity and authority, and enter an emphatic protest against the appointment which had been made. As Chairman of the Select Committee to which he had referred, he felt it his duty to draw the attention of the House to the subject, and to move the Resolution of which he had given Notice.

MR. MELLOR seconded the Motion. He was a Member of the Committee presided over so ably by the hon. Member for Hackney (Mr. Holms), and he fully concurred in the conclusions at which it had arrived. There was great necessity for the Motion which had been made, for he believed that, unless the House of Commons pronounced a decision on the question on the present occasion, the principle of political patronage would be extended in a direction that had already gone too far. His own practical experience, extending over 45 years, had led him to the conclusion that men ought to be selected for public appointments on account of their qualifications and the knowledge of the duties to be entrusted to them; and unless they proceeded in that direction more than they had done hitherto, not only would additional expense be entailed upon the country, but the work of the nation would not be properly performed.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is

of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State,"

—(*Mr. John Holms*),

—instead thereof.

MR. A. H. BROWN, as a Member of the Select Committee, wished to add a few remarks, and in particular to direct attention to the character of this Department. It was in reality rather a sub-department of the Treasury than an independent Department, and consequently there was no reason why the head of it should be a person of political importance. He ought, rather, to be thoroughly acquainted with the paper trade, which, almost more than any other trade, abounded in technicalities. In fact, a knowledge of the printing trade was essential in order to direct the Department efficiently, and it must necessarily be difficult for a junior clerk in the War Office, not possessed of that knowledge, to perform his duties satisfactorily. Many gentlemen who had been long employed in the Stationery Office came before the Committee and gave most valuable evidence. Their position had been ignored and a younger man was promoted over their heads. This would, of course, tend to discourage all those gentlemen who had been superseded, and could not be for the benefit of the Public Service. He had no knowledge of the gentleman who had been promoted to the office, but he regretted that the appointment had been made. If Select Committees were to be of any value, their Reports ought not to be passed over without being fully and carefully considered.

THE CHANCELLOR OF THE EXCHEQUER said, the Motion of the hon. Member for Hackney (*Mr. Holms*) and the remarks made by him, together with those with which the hon. Member for Wenlock (*Mr. A. H. Brown*) had supported it, raised a somewhat false issue with regard to the functions of Select Committees of that House. Both those hon. Gentlemen had spoken as though the appointment of *Mr. Pigott* to the Controllorship of the Stationery Office, instead of the appointment of someone who possessed "a technical knowledge of stationery and printing," was an appointment calculated to diminish the usefulness and influence of Select Com-

mittees. Moreover, the language of the hon. Gentleman who had just sat down would rather lead the Committee to suppose that the whole object of the Committee of which he was a Member had been to consider what ought to be the organization of the Stationery Office; that the Committee had spent two years in considering that subject; and that it had made with reference to it a recommendation which had been summarily set aside. Now, he did not think that this was doing justice to the Committee of which the hon. Gentleman was a Member. That Committee did not spend two years in considering so minute a point as the character of the person who should be placed at the head of the Stationery Office. It was a Committee appointed for an important purpose—namely,

"To inquire into and report upon the existing principles and practice which in the several Public Departments regulate the Purchase and Sale of Materials and Stores."

The Committee sent in a Report containing no fewer than 134 paragraphs, and only a portion of one paragraph had been specially referred to in the present discussion. Undoubtedly, the recommendations which the Committee made with reference to the Stationery Office formed one of the most important parts of the Report; but they had also made a great many other recommendations with regard to that Department. Those recommendations had been carefully considered, and to no inconsiderable extent acted upon by the Treasury. Looking to the general principles on which the Stationery Office ought to be administered, he found the Committee did not recommend any alteration in the control of the Office by the Treasury. As had been acknowledged by the hon. Member for Hackney, the Treasury, since the Committee was appointed, had bestowed a great deal of attention on the management of this Department. His hon. Friend the Secretary to the Treasury and his hon. Friend the Member for North Lincolnshire (*Mr. Winn*) had, in fact, introduced no inconsiderable improvements into the working of the Department, and had made a considerable reduction in its expenditure. It was not therefore fair to say, even if the recommendation as to the choice of the person who should succeed the late Controller was not acted upon, that the recommen-

dations of the Committee were treated as being worthless. The Treasury had endeavoured to carry into effect some of the recommendations of the Committee with but partial success. For instance, with regard to the publication of a cheap edition of the Statutes and the arrangements to be made for the sale of the Papers of the two Houses of Parliament, the Treasury, in deference to the recommendations of the Committee, had made attempts which he believed had not, thus far, proved successful. And now he came to the question of the selection of a proper person to be at the head of that Department, which, in the view of the Committee, was to be, not an independent Department, but one under the control of the Treasury. Undoubtedly, the Committee did recommend that the gentleman who succeeded Mr. Greg as head of the Stationery Office should possess a technical knowledge of stationery and printing; and when the appointment came to be filled up he was aware that his noble Friend (the Earl of Beaconsfield) had his attention especially directed to that recommendation, and that he gave it his consideration. [*Laughter.*] Well, but his noble Friend took a different view of the necessity for appointing a gentleman who was technically acquainted with stationery and printing, and therefore might be said to have been connected with the trade, from that at which the Committee arrived. The responsibility in this matter did not rest with the Committee, but with the First Lord of the Treasury, and there were several considerations which would naturally present themselves to his mind when he had this appointment to fill up. It would be a matter of some difficulty and delicacy to take a person out of the stationery trade and appoint him to the office of Controller. It was by no means certain that they would be able to find among the successful members of that branch of trade one who, for the remuneration the Treasury could offer, would be disposed to abandon a business he was conducting with success in order to accept this office. Therefore, the choice among those in the trade was, to a certain extent, limited; and, of course, if they took a man who had been unsuccessful in business, objections would be raised to him also, and the same would be the case if the man appointed were connected with any particular house in the

trade. Altogether, the choice of a man for an office of so much importance involved many considerations beyond those which appeared to enter into the view taken by the Committee, and it was not enough to take a man with merely technical knowledge. The Prime Minister, upon whom, as he had said, the responsibility rested, therefore, acting on the best of his judgment, came to the conclusion that it was not desirable, at least at the present time, to seek for a gentleman possessing the peculiar qualifications referred to. He (the Chancellor of the Exchequer) himself doubted, from the observations which had been made on the present occasion, whether the Members of the Committee themselves were in their own minds so thoroughly persuaded of the necessity of the appointment being made on the principle laid down in the Report; because the hon. Member for Hackney said that they should either have taken a gentleman who was practically acquainted with the trade, or promoted the gentleman who was second in command in the existing Stationery Office. However reasonable it might be, the suggestion of that alternative showed that the Committee did not consider it absolutely necessary that the person appointed should be practically acquainted with the stationery and printing trades. No doubt, if Mr. Reid, the second in command, were appointed, they would have a gentleman whose merits were very high, and in whom the Secretary to the Treasury and the hon. Member for Lincolnshire had the greatest confidence. On the other hand, it was not a necessary rule that promotion must always take place within each Department, and reasons might easily be suggested why a man might be advantageously brought in from another Department. He would come with a fresh mind and bring a fresh eye to bear on any abuses which might exist. The hon. Member for Hackney said that Mr. Pigott was not a man who, from his previous services, was entitled to what he humorously termed the "deanery of the Civil Service." If this were to be regarded as an honorary appointment, with but little work to do, given to men for good services in other Departments of the State, no doubt Mr. Pigott would not be a proper person to select. But he was selected as being a man comparatively young, who had jus-

tified by his character and abilities the expectations formed respecting him when he first entered the Public Service. It was said, and great stress was laid upon the fact, that he was the son of the former vicar of Hughenden. His noble Friend (the Earl of Beaconsfield), with whom he had had some conversation on the subject, told him that he had very little personal knowledge of Mr. Pigott, except that he had on his early introduction to the Public Service been pointed out to him as a young man of great ability, and likely to be a valuable public servant; that he had watched his career with some interest on account of his connection with a former vicar of Hughenden, and had uniformly found that he was spoken of very highly by those who had had opportunities of observing his career. He had been employed from time to time in duties rather above the ordinary duties of a clerk, and had been selected for particular services of an important character. He was in the prime of life, with 17 years of Public Service, and had shown himself to be a really good man of business. Under his charge there was every prospect that the work of the Department would be well performed. These, and no others, were the reasons which, as he (the Chancellor of the Exchequer) was informed by the Prime Minister, influenced him in making this appointment, which he did with a consciousness of the arguments that could be used for and against the selection of men in the trade, and with a full sense of the good services and merits of Mr. Reid, the second in the office. He believed in the personal fitness of Mr. Pigott, having observed his career from time to time since he entered the Public Service. He (the Chancellor of the Exchequer) did not think that these circumstances at all justified the censure which it was proposed to pass upon the appointment.

Mr. CHILDERS said, he was not at all disposed to regard the affair from the point of view of the right hon. Gentleman opposite (the Chancellor of the Exchequer). At a time when they were doing their best to improve the status of the Civil Servants, it would be an unfortunate course to adopt, and altogether a departure from sound principle and common practice, if they were to say to men who had nearly reached the top of the tree—"No matter how long your

services, or how great your efficiency may be, you will not be promoted to the headship of your Department, but we shall take a junior clerk out of another office who knows nothing about the business and appoint him over you, in order to have the advantage of a fresh mind." He did not know how far that doctrine might be carried; but if a man was to be appointed not because of his knowledge and experience, but because he came from somewhere else, and knew nothing of the particular business he would have to discharge, then, indeed, it would be a sorry look-out for the members of the Civil Service, who entered through the painful door of competitive examination in the hope that if they did their duty they would be promoted to the highest offices in the Department in which they were placed. That appeared to him to be the most salient point in the present controversy. The Chancellor of the Exchequer doubted whether the best course in filling up this office was to appoint the man who had the most practical experience; but in any case, it was, to say the least of it, very singular that when the claims of two men of equal experience conflicted, a third, of no experience at all, should be chosen. The present action of the Government seemed to him to be a most extraordinary way of carrying out the recommendations of the Committee. Several pages of the Committee's Report were occupied with recommendations affecting the Stationery Office, and the paragraph to which the Motion referred was not dashed off by the Chairman, or some particular Member, but it was prepared with very great care, and was considerably altered in its wording, and it was ultimately passed heartily and unanimously by the Committee. The right hon. Gentleman (the Chancellor of the Exchequer) had said that the Prime Minister had not thought fit to adopt the recommendation of the Committee, but those words might have two meanings. Either they might mean that the Prime Minister had carefully considered these recommendations, that he approved of them, that he had looked about inside the Department to find a man capable of fulfilling the requirements, but that, unable to find one, he had, as a last resort, appointed Mr. Pigott; or that, without the least inquiry or consideration, he had given Mr. Pigott the post off-hand. What he

The Chancellor of the Exchequer

wanted to know was, whether the recommendation of the Committee was carefully considered by the Government, and was the appointment made afterwards, or was it made without any consideration whatever, and simply by the whim of the Prime Minister? The House was entitled to an answer to those questions, and he could only say that if Mr. Pigott had been appointed by the Prime Minister in the way he had suggested, the House should show their disapproval of such a proceeding by agreeing to the Motion of his hon. Friend.

MR. MITCHELL HENRY said, it would have been much more satisfactory to the hon. Member for Hackney (Mr. Holmes), with whom he had sat on the Committee, if the Prime Minister were able to be present, and then no doubt the House would have had an able and amusing speech in defence of the appointment. But no one would say that the Chancellor of the Exchequer in his ingenious speech had defended the appointment, though he had made certain excuses for it. But if the House of Commons really wished to see the position in which it was placed, it must go back and consider this as only one of a series of similar appointments which had been made since this Government came into office, and had formed the subject of animadversion in the House. A noble Lord who had sat in the House (Lord Hampton) had been placed at the head of the Civil Service Examiners, another right hon. Gentleman (Sir Seymour Fitzgerald) had been appointed a Chief Commissioner of Charities, and they had had a most remarkable and humiliating debate relative to some of the legal departments of the present Government as to the appointment of Official Referees. These latter appointments had turned out to be entirely useless, and no one would forget the speech of the late Attorney General (Sir Henry James) on that subject. But what were the facts with respect to the present case? The Committee inquired into five great public Departments, and of these they found only one working in a very efficient manner—namely, the Admiralty, which was the result of the appointment of the Purchaser of Stores. All the rest were found inefficient in their working, but the most defective of all was this Stationery Office, under which there was an

expenditure of something like £600,000 a-year. He did not wish to say anything of the late head of that Department (Mr. Greg); but no one who heard the evidence of that gentleman could doubt that he really knew practically little of the working of the Stationery Office, and he had to apply constantly to the second in command (Mr. Reid), who had been passed over in this appointment, for any information. If it was true that the Secretary to the Treasury and the hon. Member for North Lincolnshire (Mr. Winn) had been able to effect a saving of £45,000 a-year in one portion of the Stationery Office and expected to be able to save £20,000 in another, could anything prove more strongly the necessity for reform in the entire Department, and the value of putting a practical man at the head of it? The printing and stationery of this country had grown to an enormous amount. When Mr. Greg was appointed, it was not because he had any practical acquaintance with its working, but because he had claims on the Government and was a distinguished literary man. He, too, like Mr. Pigott, had been brought in from abroad, and the consequence was, that the office when inquired into was found to be grossly extravagant, seeing that it only required the efforts of two Members of the Government to save this enormous amount of money. The recommendations of the Committee had been disregarded, and disregarded in favour of something worse than that which they recommended. What was the reason for that miserable piece of economy—the reduction of the salary from £1,200 to £1,000 a-year? Was it from a lingering suspicion on the part of the Prime Minister that it was not right to give this gentleman, who had been placed in the office over the heads of others, the full salary, or with the idea that the country would be conciliated by this paltry saving? But what the country required was to have efficient men, and to pay them good salaries; and in the present case he maintained that the appointment was ridiculous, as the Government ought certainly to have chosen some one who was well acquainted with the *minutiae* of the Department, and was able to control the expenditure on pens and blotting-paper. Would any person connected with commercial affairs appoint a man at the head of a great busi-

ness dealing with £600,000 or £700,000 per annum without any practical experience of the business? And the business of the Stationery Office was almost all of a technical nature. This and the other appointments that he had alluded to showed that public efficiency was not the only thing considered. He had no doubt that so long as his hon. Friend (Mr. W. H. Smith) was Secretary to the Treasury, the Department would be well looked after; but he might be succeeded by some one who had not so much practical knowledge, and he (Mr. Mitchell Henry) was afraid that it would then be discovered what a mistake it was to place a junior clerk in the War Office at the head of the Stationery Office.

MR. GATHORNE HARDY felt that he should be guilty of undue reticence if he did not say a few words on this subject. He did not know of the vacancy until he heard of the appointment of Mr. Pigott; but it was only due to that gentleman to say, although no discredit had been cast on him by any speaker, that he had been undervalued. Mr. Pigott was a man of great capacity, and although only a junior clerk in the War Office, he had duties to perform which brought to him almost every kind of knowledge. He acted as private Secretary to Lord Pembroke while he was at the War Office. He was also Secretary of the Promotion and Retirement Commission; and the manner in which he carried out the difficult business which came before him showed him well qualified for any appointment that might be bestowed upon him. He (Mr. Hardy) always understood that this was one of what they called the great Staff appointments of the Public Service not necessarily to be filled up by the elevation of those from the lower ranks in the office. When a member of any Department of the State had displayed great efficiency, he naturally looked forward to promotion in any other office which he might be competent to fill; and he ventured to say the Prime Minister had had opportunities of knowing the qualifications of Mr. Pigott, and had watched his career in a manner which others might not have done. It was said Mr. Pigott did not know the details of the Stationery Office. He (Mr. Hardy) spoke as filling an office in which he had been placed over the heads of every department in the War Office; yet he had entered it

with as little practical acquaintance with the duties of the office as any could well be; and he was called upon to discharge duties involving not only great principles, but many details. The real question, however, was this—a man when placed in a position of this kind might gain his knowledge from those about him, and if he was capable of turning his abilities to account would soon be able to utilize the information he gained; and he believed that Mr. Pigott, coming with great capacity and a fresh mind, would be found capable of dealing both with principles and details in the new position in which he had been placed. Surely this was a better principle than that of keeping a man in one constant narrow groove out of which he could not step without losing his balance. He believed Mr. Pigott would vindicate the choice which the Prime Minister had made, and show that in making the appointment he had only done his duty to the public.

MR. WATKIN WILLIAMS said, he had listened to the speech of the Chancellor of the Exchequer with the utmost astonishment and regret. It was only requisite to look at the faces of hon. and right hon. Gentlemen opposite to perceive the painful position in which they felt themselves placed. They must not blink the charge; it was a charge of jobbery in one of the great public Department—a most serious and grave charge made against the head of the Government for disregarding the high trust placed in him in appointing a most important salaried officer, and really no answer had been made to it. He entirely declined to be led away by the arguments of the Secretary of State for War, as they in no way applied to the point at issue; and that of the Chancellor of the Exchequer was altogether fallacious and misleading. The office required a knowledge of details and technicalities with which Mr. Pigott was admitted to be altogether unacquainted. A Select Committee had investigated the subject, and reported on the necessity of practical qualifications for the Department. It had made recommendations which had been disregarded. The Report of the Committee had been set at defiance; and what was the defence? Absolutely nothing. It was worse than nothing—it amounted to a confession of the whole thing. There was barely an attempt to

Mr. Mitchell Henry

justify it. The challenge had been made and the House must vindicate itself. Were they to submit silently to these jobs? What right had the Government to disregard not only the recommendations of a Committee, but every rule of plain common sense and honesty, by placing a man in a position who confessedly did not possess the requisite qualifications for it? The Government were in this way demoralizing the public offices. They were utterly destroying the *esprit de corps* in the public Establishments by drafting a young man into an office through influence, and placing him over the heads of men who had stood the test of competitive examinations, and were devoting themselves to the thorough knowledge and efficient discharge of their duties in the hope of promotion in the Department. He must refuse to follow the right hon. Gentleman opposite (Mr. Hardy) into a discussion of the personal qualifications of this gentleman—his character was stated to be of the highest kind, and his qualifications might be equally high. The charge was one of an improper exercise of patronage by the Government, in utter disregard of the recommendations of a Select Committee. Was this, or was it not, a type or specimen of other appointments which had been complained of, but which they had no proper opportunity of bringing before the House? He hoped the House of Commons would not ratify, but would utterly condemn the appointment, which was a gross job, and as to which, after listening to the right hon. Gentleman (the Chancellor of the Exchequer), he must say he thought there was no defence.

GENERAL SIR GEORGE BALFOUR also objected to the personal question of Mr. Pigott's qualifications being introduced into the discussion. As regarded them, he could, from having served in the War Office, bear witness; but, in his opinion, that circumstance did not warrant his appointment in the face of the recommendation of the Committee. As a Member of it, he felt certain that if the Members could be re-assembled they would by a large majority declare that this appointment had not been filled up in conformity with their Report and opinion. The head of this Stationery Department, under Mr. Greg, was a public servant of long experience and great intelligence; yet he had been passed

over in favour of a younger man taken from another Department, who knew nothing whatever of the duties. It could not be expected that men who had qualified themselves to rise in a Department by the hope of promotion would be otherwise than discouraged by such treatment.

MR. BATES said, that he, as another Member of the Committee, could not agree in what had just been said, and was by no means sure that the Prime Minister had not exercised a very wise discretion. He remembered that the Committee were all dissatisfied with the manner in which the Department had been conducted, and the question was whether it might not be the best thing to bring new blood into it. If the case had been his own, he, as a business man, would have followed the same course. The gentleman appointed might not at the present moment be thoroughly practical, but they should not forget that every man must have a beginning—even the hon. Member for Hackney must have had a beginning—and therefore he (Mr. Bates) could not support the Motion of the hon. Member.

MR. MUNDELLA said, that if the hon. Gentleman who had just spoken (Mr. Bates) were to follow his deduction to its natural conclusion, when he had to find any fault with one of his captains for the command of his steam-ships, that captain would be superseded and some one would be brought in from the outside who knew nothing about seamanship. [MR. BATES: I have no steam-ships.] The same remark would apply equally to sailing vessels. The Department to which they were referring was a great merchant department, with a purchase of £600,000 a-year, and he appealed to any merchant whether he ever knew an instance of a man taken from a department without any knowledge of the particular technical branch, and put at the head of a merchant department of £600,000, or even £60,000 a-year. If merchants were so to conduct business they would conduct themselves into the Bankruptcy Court in a short time. The question, they were told, had been left in the hands of the Treasury. But where was the Secretary to the Treasury? If he had been in his place, he (Mr. Mundella) should have asked him whether he could not have found a man practically conversant with

the duties, and whether he had been consulted by the Prime Minister in regard to the appointment? The fact was—there was no use in mincing words about it—his hon. and learned Friend (Mr. Watkin Williams) had characterized this appointment in its true words, and he (Mr. Mundella) agreed that it was a gross job. They had had a succession of them. It was but two years ago he had to denounce the appointment of a gentleman in his 77th year to the head of the Civil Service, and what happened at the time? Why, a gentleman, only 50, in the prime of life, was placed on full pension for life, so as to make room for someone else. It was through such jobbery as this the mistake as to green coffee and the other disgraceful errors of the Crimean War occurred—the attempt to put a square peg into a round hole—and it was time it was put an end to. He must again refer to the language of the hon. Member for Plymouth (Mr. Bates), which, as a business man, he (Mr. Mundella) should have been ashamed to use, and would ask him if he had known cases in which men taken from one branch of business had proved themselves thoroughly efficient in the new?

MR. BATES said, that the hon. Member had just asked if he (Mr. Bates) had ever known a man taken from one situation and put into another with success? He would say, yes.

SIR RAINALD KNIGHTLEY said, he had listened to this debate with great attention and very great pain. He had come down to that House perfectly unprejudiced and anxious to vote for the Government. He would not go so far as to say it had been a job, but he could not help feeling that the public interests had not been well consulted by this appointment. It did not appear that this gentleman had shown any qualifications for this appointment which had justified the Government in putting him over the heads of those who were well qualified. He did not think the House ought to sanction such an appointment, and he should feel it to be his duty to vote for the Motion of the hon. Member for Hackney.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 152; Noes 156: Majority 4.—(Div. List, No. 233.)

Mr. Mundella

Words added.

Main Question, as amended, put.

Resolved, That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of the House, and to discourage the interest and zeal of officials employed in the Public Departments of the State.

SUPPLY.—COMMITTEE.

Motion made, and Question proposed, "That this House will immediately resolve itself into the Committee of Supply."—(*Mr. Chancellor of the Exchequer*.)

SCIENCE AND ART DEPARTMENT—PROVINCIAL SCIENTIFIC AND INDUSTRIAL MUSEUMS.—OBSERVATIONS

MR. CHAMBERLAIN, who had a Motion on the Paper on going into Committee of Supply, on Civil Service Estimates, Class IV., to move—

"That, in the opinion of this House, the expenditure for the promotion of Science and Art should not be exclusively confined to institutions in London, Edinburgh, and Dublin,"

said, that as by the Rules of the House he could not then move it, he should call the attention of the House to the subject. The Motion was almost similar in terms to one which had for some time been on the Paper of the House in the name of the hon. Member for Nottingham (Mr. Isaac). He (Mr. Chamberlain) offered to second the Motion; but when the time arrived, the hon. Gentleman withdrew the Motion without communicating with him; but the matter was really of too much importance to be treated in this fast-and-loose manner. The constituency which he represented (Birmingham) was very much interested in this question, and many corporations were also interested; and he ventured therefore, to think that he should be justified in stating their case, and asking for it the consideration of Her Majesty's Government. In the Civil Service Estimates for the present year there was proposed to be taken for institutions in the metropolis, including Museums and the Parks, a sum of nearly £400,000, and that was without taking into account the amount of the grant for South Kensington, which was expended in the

country in furtherance of Schools of Science. There was a further sum of £50,000 taken for Edinburgh and Dublin. Towards those grants the inhabitants of Birmingham had to pay twice over. He had calculated that the town of Birmingham had to contribute nearly £4,000 towards them, and in addition to that they had to find a sum of nearly £8,000 per annum towards their own free libraries and local parks. He did not raise this question in any spirit of provincial jealousy, for he was prepared to admit the exceptional position of the metropolis. It might be said with truth that a national collection should be placed in the metropolis at the expense of the nation; but that argument did not apply to the expenditure on the public parks, and still less to that which the Bethnal Green Museum involved. He did not complain of such expenditure. It produced most admirable results, adding as it did to the pleasure and happiness of great masses of the people, and tending to elevate and refine their minds. It was, too, in some sort, a commercial investment, as it was calculated to enable artisans the better to compete with those of other nations. His complaint was, that they did not carry this principle far enough, for these institutions were centres of instruction; and if they did good, it became important that they should be a little more liberal in cases where it could be fairly shown that greater good could be done for less money. If those institutions were brought home to the people there was hardly any limit to the extent to which they would be appreciated. He was very anxious to see established in our great centres of industry a Museum of Art and Manufacture appropriate to each district, and those would be seen by the people who would benefit by them. The way in which these institutions were appreciated in the Provinces was shown by the fact that the number of visitors annually to the Birmingham Museum was about 300,000; that, too, in a place of 370,000 inhabitants. That number of visitors was much greater proportionately than was to be found at any of the metropolitan institutions; and results equally extraordinary could be stated in connection with Manchester, Liverpool, Sheffield, and other provincial towns where such institutions existed. At the present time, the Government

were doing either too much, or too little in this matter. Either the grants made to London should be confined to purely reference collections, or, what he would infinitely prefer, the Government should give a much larger sum, supplementing the grants to London by moderate grants to the Provinces. He did not suggest what would involve any very large demand on the Treasury, and he trusted the Government would give the subject due consideration. A comparatively small sum would be sufficient for the purpose, if, as he supposed would be the case, the Treasury were to make a rule that such contributions should be made only to centres of large districts and important industries, and in proportion to contributions from local sources. It was true that provincial communities were at present legally able to tax themselves to the extent of 1*d.* in the pound for the purpose of establishing museums and libraries; but in Birmingham all this money went to the Free Library, and they had therefore no means of establishing an industrial museum.

MR. MORLEY said, he felt great pleasure in supporting the suggestion of his hon. Friend. In Nottingham the people were making great efforts to improve themselves in objects of science and art; and he hoped the Government would respond in the right spirit to the proposal of the hon. Member for Birmingham. He entirely concurred in the suggestion that the grants should be made in proportion to local contributions, and considered that the acceptance of the proposal would be quite in accordance with the objects of the Education Department. The grants would be most properly made where there existed a disposition on the part of the people, in towns like Nottingham and Bristol, to take an interest in collections bearing upon the particular trades of the locality, and to study higher subjects than were ordinarily cultivated in provincial towns.

MR. A. M'ARTHUR also supported the recommendations of his hon. Friend the Member for Birmingham. Our public expenditure in aid of science and art was, to say the least, by no means excessive, and, although large sums were spent on museums in London, Edinburgh, and Dublin, yet he thought it might with advantage be increased, especially in the way of grants to large centres of industry where such institutions had al-

ready been established by local effort. We were in many respects far behind other nations in regard to the encouragement given to science and art, and it must be admitted that the attention we had been bestowing on technical education had not been bestowed a moment too soon, considering the competition of other countries which we had to sustain. The people of Leicester were, like his hon. Friend's (Mr Morley's) constituents, making great efforts to improve themselves in objects of science and art; and they felt that London, in justice to other large cities and towns in England, should not have the largest amount of money voted to it in aid of those objects. He therefore trusted the Government would see their way to giving the question their favourable consideration.

MR. ANDERSON said, that, on behalf of the large city he represented, he also desired to support the proposal of his hon. Friend the Member for Birmingham (Mr. Chamberlain). He believed that without any expenditure of actual money a great deal more might be done for the Provinces than was now done. As an instance of that they were told the other day by the Government that a valuable picture by David Roberts had been refused by the Commissioners of the National Gallery, because they already had pictures by Roberts in that Gallery. But why should the picture have been refused on that account? Surely it might have been taken, and sent to some provincial town. He recommended that when the Commissioners of the National Gallery had various pictures by the same artist, they should send some of them down, if not permanently, at all events temporarily, to towns in the country, where at least they would be very much appreciated.

VISCOUNT SANDON said that, while in common with everyone else, he should be glad to see the establishment of museums and galleries in the great centres of population and industry, yet the House must feel that the question raised was a very large one. As a matter of fact, the hon. Gentleman the Member for Nottingham (Mr. Isaac) withdrew his Motion on the subject, because he thought that, from its importance, it could not be properly considered at this period of the Session, and he expressed his intention of bringing it forward on the most convenient occasion next Ses-

sion. He could assure the hon. Gentleman opposite (Mr. Chamberlain) that the Government did not undervalue the subject at all; but the House must see that it was not one which could be conveniently pressed on the Government at the present time. He must beg, therefore, that it would not be so pressed, especially as it involved a very great financial question. The hon. Member for Birmingham had expressed his regret that some of the admirable works at the British Museum were not able to be circulated. This reminded him of the great advantage which the country derived from the South Kensington Museum, which was now, in fact, a gigantic circulating museum. Some 18 years ago a series of specimens only were sent out; but since then almost all the principal objects in the Museum, except those of great rarity or delicacy, were sent on their travels at different times throughout the Provinces. It was said that much was not done for the Provinces; but the fact was, that out of the whole amount of £130,000 spent yearly for Science and Art schools only about £10,000 was spent really on London objects—that was to say, about £120,000 was really spent on provincial objects.

MR. CHAMBERLAIN said, he excluded that from any calculation. There still remained about £400,000 a-year which was spent on the London institutions.

VISCOUNT SANDON pointed out that it was rather difficult when different Votes were put together by the hon. Member—some coming within his own province and others being under the control of the Treasury only, and in no way under the Privy Council Office—to say exactly what proportion of these votes were made for London only, and how far the Provinces shared in them. Still, the fact remained that a large proportion of the money was spent on provincial objects. Hon. Members were apt to forget what an immense benefit the Provinces derived from the Science and Art Vote in the way of aid to Science schools, of which there were 1,100 throughout the country; Art-training schools with their 17,000 students, public elementary schools, and for scholarships and other objects. The grants for the Museum at South Kensington included various items which were for local museums, and the loans

to these museums and exhibitions were very large, there having been some 3,000 loans of objects and 5,200 paintings and drawings during last year to museums and exhibitions in the country. A great deal, therefore, was already done in the direction indicated by the hon. Member for Birmingham, it being very much the same line as the authorities of South Kensington Museum, acting under the Privy Council, were anxious to follow. Whether it would be possible to go further in another year he (Viscount Sandon) was not in a position to say at that moment. The present was a time when the resources of the country were rather straitened, and a strict economy was therefore very properly exercised by those who controlled the public expenses, so that the hands of Ministers in charge of the various Departments were much tied as to incurring fresh expenses. The Government, however, would not overlook the question. It would receive careful consideration, and when it came on for discussion next year, as proposed by the hon. Member for Nottingham, he hoped that the Government would be able to give an opinion one way or another.

MR. LYON PLAYFAIR said, that the noble Lord was quite justified in adopting that line of argument with regard to the South Kensington authorities; but he wished to point out that what the hon. Member for Birmingham wished to argue was that there were large museums and collections in London which, while they were there, were of little use to the Provinces. The British Museum, for instance, and the National Gallery, were practically of no use except to London, yet every one knew that they contained many duplicates which would be most valuable to the Provinces, and the offer of some important pictures was sometimes declined on behalf of the National Gallery. He attributed the great advantages of the South Kensington Museum to the fact of its being under the management of the Minister for Education, and advocated the placing of the British Museum and the National Gallery under the same authority. In France the Minister of Education was responsible for all the museums, and constantly sent collections into the Provinces; but in England, the management of the Galleries was, so to say, dislocated, and not under

one authority or one Minister; and such a person might, without any additional expenditure, be able to do a great deal for the cause of artistic education.

LAW AND JUSTICE—DETENTION IN PRISON BEFORE TRIAL.

OBSERVATIONS.

SIR WILLIAM HARCOURT wished to call the attention of the Government to a matter which had often been mentioned before, but which he thought could not be mentioned too often, until some remedy could be found for the existing evil. He referred to the lengthened periods during which persons were kept in prison before trial. The principle near London was, that there should be a gaol delivery every month; but he wished the House to consider the situation of persons in the rural districts. According to the last Return, 12,000 persons were in prison, and of these 7,000 had been there for more than a month, and were consequently worse off than if they had been within the jurisdiction of the Central Criminal Court. More than 3,000 had been in gaol for two months; 826 prisoners had remained untried for more than three months, and 86 for more than six months. That was a scandalous state of things, explainable, perhaps, but not the less disgraceful, and it was most serious as it affected those prisoners themselves. He found by the Returns that many prisoners were detained for a long time in prison in Essex, Bristol, Norwich, and other places before being brought to trial. In Birmingham there were 16 persons kept in gaol four months before being brought to trial; in Northampton there were 13 prisoners who were more than four months in gaol before being brought to trial; and in Kent, 13 more than four months. In Lancashire there were 100 prisoners who were kept in gaol more than four months before being brought to trial. He was well aware that the right hon. Gentleman the Home Secretary had brought in a Bill last year to remedy the evil, but it would not apply to such cases as he (Sir William Harcourt) was now calling attention to, as it only affected the Winter Assizes. He took the numbers from Returns presented this Session, and the cause of these numerous detentions was not far to seek.

They were due to the fact that from July to December not one Judge could be found to deliver a gaol, and prisoners committed in July could not be tried till December. It was not necessary to expatiate on the consequences of so discreditable a state of things. Let the House imagine the case of a man committed to prison in July or August, and kept in prison from his family until December before being brought to trial; and let them also reflect that the man might be innocent. They could not find a Judge to try him. This ought not to be tolerated by the House or the country. The Home Secretary might say that in all these cases, prisoners might be brought up to London for trial; but he (Sir William Harcourt) doubted it. Another defect in their judicial system was, that when the Assizes happened to be fixed at the time the quarter sessions were to be held, the quarter sessions were put off until the Assizes were over, and prisoners who stood for trial at the quarter sessions were consequently detained in gaol longer than they ought to be. This had happened in the county of Lancaster, where the quarter sessions were fixed for a particular day in the hundred of Salford. The Judges, anticipating the ordinary time of the Assizes by one week, appointed for the Assizes the day on which the sessions were to be held. The consequence was, that the sessions could not take place until after the Assizes were over. The sessions were postponed for a month, and the Judges could not try the prisoners. The result was, that the trial of 100 persons had to be put off for a month. That, however, was simply a case of perverse mismanagement. It was the fashion to denounce the Long Vacation, but, after all, what would be thought of a Government office in which work was suspended for so long? The question was, whether there could not be some arrangement by which the administration of justice should go on continuously like the business in other Departments. He knew he should meet with opposition from lawyers who, as well as Judges, liked long vacations. But when prisoners, some of whom might be innocent, were locked up for so many months without a chance of being brought to trial, the Long Vacation became an amusement which was cruel. He felt confident that some of

the Judges, to prevent such treatment, might remedy the evil by holding extra Assizes, instead of taking their usual holidays. But even that fell short of what was needed. Much might be done by a better organization of the labour of the Judges and their distribution for the purposes of these extra Assizes, for, at present, much of their power was frittered away all over the country under the system in force. Two eminent persons were sent down to a little country town to try two or three prisoners and a month was devoted to the circuit, during which the Judges did not sit half the time. He moved last year for a Return which though very imperfect and difficult to understand still gave some facts which showed the waste of judicial power. In 1876, for instance, two Judges were sent down to try cases in Hertfordshire, Essex, Kent, and Sussex, and 19 days were appropriated to the purpose. During these 19 days one of the Judges sat nine days and the other 10. Nothing was more obvious than that if one Judge had been sent down he would have done all the business. Time was wasted by this want of forethought and care in the distribution of our judicial power. The Returns for which he had moved, and which were now on the Table, showed many instances of this fact, and pointed immediately to the necessity for a better distribution of that power under some central authority, either the Home Secretary or the Lord Chancellor, who should have the power of fixing when and where the Judges should hold Assizes to effect a speedy gaol delivery all over the country. Such a central authority would effect the object, remove a gross public scandal, and prevent gross injustice. If instead of fixing weeks beforehand on two Judges to go here and two Judges to go there, we kept a reserve of judicial power in London and sent down Judges as they were wanted, the number of Judges we had now would be sufficient, and we should not hear the complaints that were heard at present.

MR. ASSHETON CROSS, said, that this subject had already been discussed at some length at an earlier period of the Session, when he was obliged to refuse anything like an assent to the proposal which was made by the hon. and learned Gentleman, for the reason

Sir William Harcourt

that, although discussed in Committee, when the Report was brought up, a clause was proposed to the effect that every prisoner who had been three months in prison without trial should be released, unless some application to the contrary should be made to a Judge in the matter showing that there were reasons for a longer detention. Without dissenting from the principles of the clause he was bound to resist it, because there was no machinery by which it could be carried out. He quite agreed that three months was quite long enough for any prisoner to remain in prison untried. That was the case in all cases to be tried at the quarter sessions, and some scheme should be invented by which it would be extended to prisoners to be tried at Assizes. When the clause was introduced, the discussion rather took the shape of an attack against the Government; but he was glad to say there had been nothing of that kind now. This was no new matter, and the first step had been taken to remedy the grievance; because, until this year, a person might have committed an offence early in July and not be tried till the following March. By the Act passed last year we had practically criminal Assizes three times a-year, instead of twice as formerly, and in December last there was not a single prisoner waiting for trial in any gaol in England. The Act, therefore, had been so far successful, and the figures which had been presented to the House were now inapplicable. He did not see why by some machinery they should not have gaol deliveries four times instead of three in the year. Whether that might be done by applying the Winter Assizes Act he was not prepared at once to say. All he would say at present was, that he had been for some time in communication with his noble and learned Friend the Lord Chancellor on the subject, and the matter had also been laid before the Chief Justice for consultation among the Judges, and he thought a scheme might be devised by which untried prisoners might be drawn together in separate centres and tried in different counties. This important matter, he repeated, had been under the consideration of the Home Office for some time, and he should be happy to do everything in his power to remedy the inconvenience that was now complained of. In regard to

the Long Vacation, it was fixed by Act of Parliament to commence on the 10th of August, and that was the reason why the Assizes had been held earlier this year than in previous years; but he would take care that next year there should be no chance of inconvenience arising again from the Assizes clashing with the quarter sessions. Having said so much as to the trial of prisoners, he would not go into the larger question of the apportioning of the labours of Judges, and having stated his views frankly, he hoped they might now be allowed to go into Committee of Supply, as it could be of little use in further discussing a subject which was under consideration in so many quarters.

SIR WALTER B. BARTTELOT had only one word to say. He was very glad to hear that the inconvenience of last year was not to recur, but instead of leaving the decision to the Judges, it would be left either to the Home Secretary, or the Lord Chancellor.

Question put, and *agreed to*.

Resolved, That this House will immediately resolve itself into the Committee of Supply.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS III.—LAW AND JUSTICE.

(1.) £9,192, to complete the sum for the Wreck Commissioner's Office.

MR. WHITWELL expressed the opinion that it would have been better to have constituted this Office an entirely new establishment, instead of imposing double duties upon officers of the Admiralty Registry Office, who already had adequate duties to discharge.

MR. BRISTOWE wished to know, what were the regulations that had been made by the Home Office with regard to the salaries and travelling expenses of the nautical assessors, for which a total sum of £6,000 was put down in the Estimates?

MR. DODSON asked, whether it was to be inferred from one item in the Vote that fees were paid to unpaid justices, as well as to stipendiary magistrates?

MR. E. STANHOPE said, that the Supplementary Vote, respecting which a Question had been asked a few days ago,

was between £1,700 and £1,800. With reference to the payments to magistrates, justices received no fees; but stipendiary magistrates, whose business was, in some cases, greatly increased by wreck inquiries, were paid. With regard to the assessors, it had been decided to transfer their appointment to the Home Office, and practically there had been no change in their remuneration. As regarded the office of Wreck Commissioner, the gentleman who held that office was second to no man in the qualifications necessary for the discharge of the duties attendant upon it. The arrangements so far were tentative, it being desired to ascertain what was the amount of work and where it would have to be performed.

MR. NORWOOD inquired where the Court of the Commissioner of Wrecks would be finally located?

MR. E. STANHOPE said, it was not yet finally decided where the Commissioner was to sit, whether at Westminster or elsewhere; but several places had been tried, and that found most convenient would ultimately be decided upon.

Vote agreed to.

(2.) £36,340, to complete the sum for the London Bankruptcy Court.

(3.) £316,643, to complete the sum for the County Courts.

(4.) £3,918, to complete the sum for the Land Registry Office.

SIR CHARLES W. DILKE asked, who was the Chief Registrar, as he understood the chief portion of the work was done by the assistant Registrar?

MR. W. H. SMITH said, he was unable to give the name of the Chief Registrar, but the scale of fees payable in the Office had recently been increased, on the recommendation of the Legal Departments Commission.

MR. CHARLES LEWIS said, the Office had been a failure from its institution by Lord Westbury, in 1861 or 1862. It was the laughing stock of the legal Profession, and it was very seldom resorted to for the purpose for which it was established. The amount received for fees was only £776, as against £5,418, the total amount expended on the Office. That had been going on for 15 years at a cost to the nation of

£150,000. Surely something ought to be done to make it self-supporting. It should either be made useful, or it should be abolished.

MR. ANDERSON thought the system of registering titles might be made profitable if properly managed. In Scotland the system was universal, and it produced a profit to the revenue of £10,000 a-year.

MR. BUTT said, if there was to be a Registrar of titles he ought to be well paid.

THE ATTORNEY GENERAL said, that the Act passed by Lord Westbury for registering titles had undoubtedly been a failure, as people would not take advantage of it. When the Act was passed it was expected that persons would take advantage of it to register their titles, as by doing so it would give them an indefeasible right which could not hereafter be disputed. Two years ago an amending Act had been passed under which some titles had been registered, but certainly not as many as might have been expected; but no doubt the advantages of such registration would be felt by the holders of property, and that the office of Registrar would hereafter be one of importance.

MR. DILLWYN said, that nothing had been stated to justify the Committee agreeing to the Vote. He did not believe that people ever would register their titles, and he should, therefore, move that the Vote should be disallowed.

Amendment proposed, "That the Vote be disallowed."—(*Mr. Dillwyn.*)

THE ATTORNEY GENERAL pointed out that if the Committee accepted the proposal of the hon. Member for Swansea, it would be practically taking upon itself the responsibility of repealing an Act which was passed after full discussion only two years ago. The whole question of the existence of the Office of Registration of Titles, and the salary to be paid to that officer, had been discussed at the time the Act passed creating the Office, and it was now too late to take exception to the existence of the Office, or of the salary to the gentleman who filled it.

MR. RAMSAY remarked that apart from the point suggested by the hon. and learned Attorney General, the registration of titles to land was an object

Mr. E. Stanhope

so desirable to be attained that he hoped the Vote would be agreed to. The flaw, if any, was now in the law, and not in the Department, and he could not therefore support the Amendment. He hoped that the registration of titles would be adopted as a practice before long.

MR. GORST pointed out that if the Committee refused the Vote, they would in reality be preventing the Government carrying out an Act of Parliament.

MR. RYLANDS complained that the salaries of the gentlemen of this Department had been settled without any knowledge of the amount of work they would have to do, but when once appointed they could not be got rid of.

MR. RUSSELL GURNEY said, if there had been one thing more clamoured for than another it was for the registration of titles. Under such circumstances, when the law was passed, it was most necessary that a first-rate man should be made Registrar. A most able lawyer had been appointed, and it was no reason why, because the Act had not succeeded, he should be deprived of his salary. He supported the Vote in the belief that registration of titles would speedily become general.

MR. DODSON observed that at one time there was a great demand for a system of registration, and the Act was passed as an experiment. He never thought it was likely to succeed, because, unless a person really wished to sell, it was not likely he would take the trouble of registering. He could not agree to the proposition of the hon. Member for Swansea, particularly as no Notice of opposition to the Vote had been given.

MR. DILLWYN said, he would not press his Motion, but hoped the Government would take the subject into their consideration, and arrange the Office so as to make it more useful.

MR. MORGAN LLOYD said, he believed the Act under which the Registrar of Titles was appointed was a dead letter. He should like to know how many titles had been registered?

THE ATTORNEY GENERAL said, he could not, off hand, state the number of deeds already registered under the Act; but it was clear that some landowners had availed themselves of the measure, for a sum of very nearly £800 had been already received by the office in payment of registration fees. If his hon. and learned Friend had given No-

tice of his Question he would have been prepared to give an answer to it.

MR. MORGAN LLOYD said, he would move for a Return on the subject.

Amendment, by leave, *withdrawn*.

Vote agreed to.

(5.) £10,745, to complete the sum for the Police Courts, London and Sheerness.

SIR CHARLES W. DILKE asked, what means had been adopted to prevent frauds in regard to the accounting for fines in the police courts?

MR. DODSON said, the subject came before him as Chairman of the Committee on Public Accounts, and they found that rules had been drawn up by which they hoped an efficient check had been secured.

Vote agreed to.

(6.) £251,892, to complete the sum for the Metropolitan Police.

SIR CHARLES W. DILKE called attention to the different scales of gratuities paid to the police doing duty at certain public buildings in London, and suggested that a uniform scale should be established.

SIR HENRY SELWIN-IBBETSON said, that representations on the subject having been made to his right hon. Friend the Home Secretary, a Minute had been recently drawn up under which the payments in question would be equalized in future.

Vote agreed to.

(7.) £859,098, to complete the sum for Police, Counties and Boroughs (Great Britain).

MR. DODSON pointed out that the Vote was increasing year by year with great leaps and bounds. This year the increase was more than £50,000. In all cases where one person provided the money and another had the spending of it, that might be expected to be the case. Nearly 300 local authorities had a claim to the spending of this Vote, and they fixed the number of men and their scale of pay, and under the arrangement made in 1874 the Government provided no less than half the expenditure. Moreover, the Government Inspectors stimulated expenditure. The subsidy had been raised in 1874

from one-fourth of the cost of the police to one-half, but the charge on the Exchequer had more nearly trebled than doubled between 1873 and 1877. When the proposal was made by the Government in 1874, with the full approval of the House, to double the subsidy, it was distinctly regarded as only a temporary arrangement. This clearly appeared from the language used by the Chancellor of the Exchequer at the time. A Bill was brought in, which was to remain in operation for only one year, suspending the limit placed by the previous Act on the Government subvention. In 1875 the Home Secretary proposed to introduce a measure dealing with this question of the police in reference to subventions; but when it came to be printed it was found to be nothing more than a Bill continuing for 12 months the Suspensory Act, if he might call it so, of the preceding year. The right hon. Gentleman said, on the second reading, that he was prevented by the pressure of other business from dealing with the whole subject. Another Continuance Bill was passed in 1876. He hoped that the subject had been under the consideration of the Government; but if not, he hoped it would receive their earliest attention, as under the present temporary arrangement it was obvious that we must expect a very large annual increase in the Vote. He agreed with the Home Secretary that the whole subject of the police ought to be considered. The police force for the counties and boroughs in England and Scotland numbered 21,000 men, sub-divided into nearly 300 different armies, varying very considerably in numbers from one man upwards. Such a system did not tend to the efficiency of the police force. He did not want the right hon. Gentleman to adopt a system of centralization, and to convert the police forces of the country into a single army under his own control and patronage; but still he thought the Government might consider whether they could not advantageously amalgamate some of the small forces with the larger ones. He should like to know the course the Home Secretary intended to pursue this year with regard to the subvention, whether it was to be put on a more permanent footing, or whether they were to have another Suspensory Bill on the subject?

Mr. Dodson

SIR HENRY SELWIN-IBBETSON admitted that the increases had been growing rapidly since the augmented Grant had been made by the Treasury to the police forces of the country; but although the increase in the present year amounted to £52,000, this was a decided diminution on the last year's Vote, which amounted to £74,000, and which was owing to the attempts made by his right hon. Friend to bring about something like a system. Until the passing of the Treasury Minute of August, 1876, the Home Secretary had no control over the numbers or the pay of the police forces in boroughs; but since then, in order to deal more satisfactorily with cases of increase, all the localities had been asked by circular to send in their estimates at a given time, so that they might be considered together. Any increase in the number of men and the pay was only sanctioned where it was shown to the entire satisfaction of the Home Secretary that both were absolutely necessary. As to the Bill regulating the subvention being simply an annual Bill, he agreed that the subject was one which required attention. There were a good many subjects, however—superannuation being one of them—which would have to be carefully considered before an alteration of the existing system could be made. With regard to the amalgamation of the small boroughs with the counties, every facility was at present given for it. He quite agreed that such amalgamation conduced to efficiency. Many small boroughs, which preferred to retain their independence, were not in receipt of the Government Grant. Now that the Report of the Select Committee on superannuation had been presented, one obstacle to dealing with the whole subject had been removed.

MR. WHITWELL hoped that the Home Office would give great and serious consideration to this enormous Vote, as the increase was due to the additional wages given to the police. He did not see why the increase in the number of the police should be arranged according to a hard-and-fast line, and that small country towns should be expected to maintain as large a force in proportion as mercantile towns. In that way they were induced, against their own convictions, to raise the strength in order to get the Government Grant.

MR. NORWOOD said, he was glad that the right hon. Gentleman the Member for Chester (Mr. Dodson) had disavowed centralization, though he appeared to have recommended it. If the Government attempted to take the police into their hands, as they had the prisons, they would find a very stout opposition from behind, if not from the front Opposition benches.

GENERAL SIR GEORGE BALFOUR said, so far as he had been able to calculate from the Returns prepared by the Home Secretary and from the Civil Service Estimates, the number of police throughout the Kingdom was upwards of 40,000, and the annual cost chargeable alone to the Exchequer at least £4,000,000. It was, however, impossible for any private Member of Parliament to make out, from the existing confusion in the Police Returns of the Kingdom, either the numbers, the grades, the pay, or the charge for the various forces of this kind. He had on several occasions suggested to the right hon. Gentleman the Secretary of State the importance of having a complete Return of all the Police and Constabulary in the United Kingdom, together with the grades, the pay, and various other charges, and he hoped the right hon. Gentleman would be able to furnish a still more exact account than that now stated of the police force of the whole country.

MR. ASSHETON CROSS expressed his willingness to do what he could to give the House the information desired by the hon. and gallant Gentleman who had just sat down. With regard to the increase of the police, when the police system was first started it was left to the different jurisdictions voluntarily to provide the requisite number of police. Many of them, however, did not readily comply with the necessary requirements of their districts, and eventually the Act was made compulsory. Although a great number of local justices did their duty in providing the proper number of police according to the Act, there was considerable difficulty in pressing upon the various localities to raise the strength up to the standard which, in the opinion of the Home Office, was requisite for the particular districts concerned. But no hard-and-fast line was ever drawn, either by himself or by any of his Predecessors. The number of police depended upon

the nature of the district, and the kind of population in it. Sir George Grey, he believed, thought one policeman to a thousand of the population might be considered as a limit; but he did not lay down any fixed rule on the subject. The pressure thus put upon localities by the Home Office under the Act accounted for the first increase that took place in the number of police. Two special safeguards were in operation. One was, that in order to obtain the Treasury subvention, the locality must have a certificate from the Home Secretary that the number of men in respect of whom the contribution was required was not in excess of the number needed for the maintenance of the peace of the district, and also that the scale of pay and the cost of clothing were reasonable and proper. In that way the efficiency of the police force was secured, without interfering with the freedom of the locality in governing the police. He thought that every possible facility should be given to local jurisdictions to amalgamate the forces of their districts, but he should be sorry to see anything like centralization established in a matter of this kind.

MR. DODSON said, he was glad to hear the disclaimer of the right hon. Gentleman as to centralization.

DR. LUSH said, the regulation of the police was, on the whole, conducted with economy by the municipal authorities, and he did not think the Government subvention had increased local expenditure.

Vote agreed to.

(8.) £340,085, to complete the sum for Convict Establishments in England and the Colonies.

MR. RYLANDS pointed out that the difference in expenditure on the various convict prisons was enormous, and it was very much higher than it ought to be. In the present Vote there was an estimate for new buildings and alterations of £22,720, £10,000 of which was to be expended at Millbank and Wormwood Scrubs. It seemed to him that in Government establishments or buildings, it was customary, as soon as a building was completed, for some one to suggest improvements which occasioned considerable outlay.

MR. ASSHETON CROSS replied, that the estimate in the present Vote for new buildings was absolutely essential,

as the hon. Gentleman would have seen if he had taken the trouble to go to Millbank.

Vote agreed to.

(9.) £74,187, to complete the sum for County Prisons, &c.

(10.) £174,263, to complete the sum for Reformatory and Industrial Schools.

MR. RUSSELL GURNEY called attention to the case of young children under six years of age who did not under the present regulations receive the benefits of those industrial schools. He had a letter from a gentleman who was one of the highest authorities on that subject, and who spoke of a school under his charge in which there was not a child under six. He urged that if a small payment were made for such children a great number of them would be saved from a life of vice. He would, therefore, appeal to the Home Secretary whether there could not be some change made in the existing regulations, so as to prevent the mischief arising from leaving those young children to fall into evil ways, instead of sending them at a small expense to institutions where they would be brought up well and industriously.

MR. ASSHETON CROSS stated that the matter to which the right hon. and learned Gentleman had referred was the subject of a correspondence which was still going on between the Treasury and the Home Office. He could not say more than that on the question at the present moment.

Vote agreed to.

(11.) £21,344, to complete the sum for Broadmoor Criminal Lunatic Asylum.

MR. RYLANDS, who had given Notice that he would move the reduction of the Vote, said, that after the discussion which had occurred last Monday, when the Home Secretary held out an assurance that an investigation would be made into that establishment, he did not think it necessary on the present occasion to press for a reduction of that expenditure.

MR. RAMSAY said, he had drawn the attention of the Committee more than once to the great expenditure incurred at Broadmoor Asylum, because he thought it was not desirable that they

should make criminals of any class the pets of the State. The great expenditure at Broadmoor was, he believed, caused in some degree by the fact that a number of its inmates were not insane, but worked mischief when they had the opportunity. He should regret if it were supposed that in any notice he had taken of that institution and of the extravagant expenditure, as he regarded it, incurred for it, there was any censure upon the Council of Supervision. He acknowledged that the State was under obligations to those gentlemen for doing what they conceived to be their duty under the circumstances; but he thought, with all deference to them, that they took a mistaken view of their duty by the expenditure of so much of the public money on a very worthless part of the community.

MR. WALTER, as one of the Council of Supervision, whose acquittal by the hon. Member for Falkirk (Mr. Ramsay) he was glad to hear, wished to say a few words with regard to the remarks which that hon. Gentleman had made. The hon. Member had condemned the expenditure of so much money on what he called a most worthless part of the community. Now, he would remind the hon. Member that Broadmoor was in no sense a prison. When it was first founded, it was expressly stated by the Lunacy Commissioners, that it was intended to be as much of a hospital and as little of a prison as possible; and as a matter of fact convict prisoners—that was to say, prisoners who were sent from convict prisons to Broadmoor in consequence of having become insane—had ceased to be sent there. Broadmoor was essentially a place for the reception of persons who, by the very hypothesis, were not criminal, but who had committed in a state of insanity, acts which would otherwise have been criminal. Therefore the policy of the State had been to treat those persons not as criminals, but as patients; and, unless that distinction was kept in view, they would argue that question on wrong premises. He was glad that the Home Secretary had lately paid a visit to Broadmoor, because he felt sure that, unless people had seen the place, they could not form any idea of the expense necessary for its maintenance. It included an extensive acreage, with enormous buildings, the cost of maintaining which was extremely

Mr. Assheton Cross

heavy. Then, again, the Staff of attendance employed there was necessarily large, entailing a cost of 45 per cent of the total expenditure. The attendance at Broadmoor were 20 per cent of the inmates; whereas, in ordinary county asylums, he believed the attendance were about 10 per cent. That arose from the immense proportion of male patients at Broadmoor. In pauper lunatic asylums the number of male patients was about the same as the number of female. The present estimate was considerably less than that of last year as that was less than that of the previous year. There had been a diminution since 1872 of about £6 a-head in the cost of the patients. An objection had been made to the dietary of the prisoners. Now, it was well-known to medical men that the recovery of these unfortunate people greatly depended upon good living. Broadmoor was one of the healthiest localities in which any class of patients could be placed. The mortality was only 2½ per cent. There was no institution of that class in the Kingdom which could show anything like so small a mortality among the patients; in fact, it seemed to be a place to which persons who wished to live long should be sent. Would the Committee allow him to read a few figures to show the ratio of mortality and the cost of maintenance in four different asylums? In the City of London Asylum the dietary cost 6s. 11d. per head weekly, and the mortality was 4·89 per cent; in the lunatic asylum in the county of Bucks the dietary was 6s. 5½d. per head weekly, and the mortality was 8·28 per cent; in Sussex Asylum the dietary was still lower—namely, 4s. 10½d. per head weekly, and the mortality 13·94 per cent; in Wilts, where the dietary was lowest—namely, 4s. 7½d. per head weekly, the mortality rose to 16·96 per cent. Now, in Broadmoor, the dietary was about 5s. 9d. per head weekly, and the mortality about 2½ per cent. That showed the importance of good dietary, if we cared for the health of these people. He could not give the hon. Member for Falkirk much hope of further reduction at Broadmoor. We could get rid of Broadmoor. We could introduce a totally new system for criminal lunatics. But as long as this establishment was at Broadmoor he did not believe it would be possible materially to reduce the ex-

penditure. If we sold Broadmoor, with the view of erecting an asylum elsewhere, we should have to do so at a great sacrifice, and he believed we should dearly purchase the change. It was a costly building in the first instance. It cost a great deal to put it into a decent state of repair, and considerably more to keep it in a complete state of repair. He should advise the Home Secretary to consider very well before he consented to any change of the asylum.

MR. FLOYER agreed with very much that his hon. Friend (Mr. Walter) had said as to Broadmoor. But as to the mortality at Broadmoor, according to the last Return to which he had access, he thought there were 20 deaths among a total of 500 patients, which would be a mortality of 4 per cent. That, however, was, no doubt, a very low mortality. He believed the average mortality in the pauper lunatic asylums in England was about 7 per cent. But he must remind his hon. Friend that the patients of Broadmoor hardly corresponded with the general class of patients in the county lunatic asylums. He agreed with his hon. Friend in thinking that good diet had a great advantage. Some years ago, attention was drawn to the high expenditure at Broadmoor Asylum, and he thought there was a little point on which the expenditure at present was rather large. He knew that some of the inmates required a strong hand. But there was one class of officers the same in Broadmoor as in other asylums—he meant the class of clerks and stewards. As to the management of stores at Broadmoor, there was a steward, an assistant storekeeper, and two assistant clerks, if not another clerk. At any rate, there were four persons to keep an account of the stores. He could not imagine how all these persons could be required to do that work. Probably, the accounts were kept by double entry. Now, in an asylum with which he was acquainted there was about the same number of patients as in Broadmoor, but the account of the stores was kept by one officer, and he was quite ready to show his books to any man in England. He (Mr. Floyer) did not know that there had been an error of half-a-crown in a period of 40 years. He would recommend that the accounts at Broadmoor should be kept in a simple way as at the institution with which he was acquainted. He perceived

by the last Report of the Commissioners that out of the 500 inmates at Broadmoor 49, or 10 per cent, were confined to bed. That was much above the average in ordinary asylums. There appeared to be an unusually large number of inmates confined to bed at one time, and he thought this was a matter that should be inquired into. It was a delusion to suppose that these lunatics could be maintained at the same cost as ordinary lunatics were in county asylums, still he thought that some reduction might be made in the cost of the institution.

MR. WALTER explained that the authorities at Broadmoor had to collect some £7,000 per annum from different Unions and parishes all through England, with which they were in connection, and that this work involved a very large amount of correspondence, which fully occupied the time of the clerks. The whole of the clerical work was performed at Broadmoor, and not in London, which accounted for the comparatively large sum which such work at that establishment cost.

MR. RAMSAY thought that the inmates at this institution, whether they were regarded as criminals or patients, cost more than was necessary. The lunatics at Perth did not cost half so much for maintenance.

Vote agreed to.

(12.) £18,690, Miscellaneous Legal Charges.

(13.) £51,608, to complete the sum for the Lord Advocate and Criminal Proceedings, Scotland.

(14.) £45,898, to complete the sum for Courts of Law and Justice, Scotland.

MR. RAMSAY thought it was right that the attention of the Government should be directed to this Vote, and especially to that part of it which related to the salaries paid for the administration of justice in Scotland. The right hon. Gentleman the Home Secretary was understood by some hon. Members of the House to have promised last year, that he would give full consideration to the whole of the Scotch judicial system in order that economy might be secured. He (Mr. Ramsay) had already drawn the attention of the right hon. Gentleman to the fact that they had a great many officials in Scotland. The Judges in their Sheriff Courts, who were rather

underpaid than overpaid, were excessive in number, and he thought that the right hon. Gentleman had the power, if he would but exercise it, to reduce the number of these Judges. But, instead of reducing the number, they were asked some years ago to increase them. The right hon. Gentleman had sanctioned an increase in Glasgow at a very recent date, but there he (Mr. Ramsay) believed that it was needed. The Returns which were obtained of the duties performed by the different Sheriffs in Scotland must, he thought, have satisfied the right hon. Gentleman that some change was necessary, and he had hoped that before that time, he would have inaugurated something more comprehensive than anything that was provided for in the Sheriffs Courts Bill, which was now before Parliament. The subject was one of much importance to Scotland, and he could not therefore allow the Vote to pass in silence. He trusted that arrangements would be made by which, as he had said, greater economy might be secured for the future without any diminution of efficiency.

Vote agreed to.

(15.) £25,614, to complete the sum for the Register House Department, Edinburgh.

MR. M'LAREN remarked that in this Vote were lumped together several subjects between which there was no necessary connection. He wished to call the attention of the Committee to the Vote for the General Register of Sasines. It appeared that the Estimate for the present year was £19,142; but hon. Members would see, by a foot-note, that the fees charged in that Office for the work done last year amounted to £28,968, so that the Government, while paying nothing for the services performed, had got nearly £10,000 of profit out of the title-deeds of owners of houses and lands in Scotland. He thought that was a very objectionable state of things. Moreover, it was in violation of an Act of Parliament. But what he wished particularly to call the attention of the Committee to was that, notwithstanding this enormous profit, which he held to be illegal in a certain sense, the clerks in the Office complained that they were overworked and underpaid, and that there was a want of management on the part of the heads of the Office. A printed paper had been circu-

Mr. Floyer

lated amongst hon. Members, being copy of a Memorial sent to the Treasury, setting forth the complaints of the clerks. Hon. Members would see that the first item in this branch of the Vote was £1,000 a-year for the Keeper of the General Register of Sasines. The clerks had complained to him that this gentleman, at the head of the Office, was not there above a quarter of an hour each day; that, practically, there was no control whatever over the Office; and that the consequence was that when promotions took place, the senior clerks were not always promoted. They complained, in fact, that there was a want of knowledge in the head, owing to the want of personal presence and superintendence, and that great injustice was thus done to the clerks. They complained in the Memorial that one clerk had been absent for three years; that his salary was continued to be paid as if he was an active man in the Office, and that the other clerks had to do all the work which he would have done had he been present, or which his successor, if appointed, would do. He wished the Secretary of the Treasury to understand that he was not going into the Department of Searches at all, which was a different department. The Lord Advocate had, he understood, that matter under his consideration, and he had no doubt that he would get it arranged in the proper way. He spoke of the clerks in the Register of Sasines Office. He was not going to move any reduction on the Vote at present; but he gave Notice that if the same state of things continued for another year, and he was spared to be there, he should move a great reduction in the salary of the head of the Department, who was now paid £1,000 a-year. That the public should pay this salary for attendance of not more than a quarter of an hour a-day was a most reprehensible thing in a public Department. That he was a man of great ability, he admitted; but if all the ability of Edinburgh was centred in him it would still be indefensible that he should not give sufficient time for the proper superintendence of an office where more than 100 clerks were employed. He thought it was the duty of the Government to see that justice was done to the clerks, and that the Office was put upon a more satisfactory footing.

SIR GEORGE CAMPBELL said, that the matter to which his hon.

Friend the Member for Edinburgh (Mr. M'Laren) had called attention, was a grievance of very long standing. They, in Scotland, had set a very excellent example of establishing and maintaining a free registry of land; but he thought it was a hard thing that their position in that respect should be made the means of levying, in some sense, a special tax upon Scotland, inasmuch as the fees taken were much larger than the expenses incurred. He hoped that any surplus of receipts would be devoted to increasing the efficiency of the Department, and that indexes would be brought up to date, so that one might be able to lay his hands upon all the burdens which attached to any particular property in any part of Scotland.

MR. W. H. SMITH said, the hon. Member for Edinburgh (Mr. M'Laren) had referred to a considerable balance which appeared upon the account as earned by these particular fees; but he must point out to him that the increase had been rapid within the last two or three years. There was a reduction of the fees charged in the Office in 1873. In 1873-4 the income was £23,948; in 1874-5 it was £25,409; and in 1875-6 it was £28,968. There had, therefore, been a very large increase of fees suddenly; but it was not by any means certain that that increase would be maintained. He would take care that the statement which the hon. Member for Edinburgh had just made should be inquired into. It was the desire of the Government that the Office should be most efficiently maintained in every respect, and no effort would be spared to secure that result.

Vote agreed to.

(16.) £15,671, to complete the sum for the Prisons and Judicial Statistics, Scotland.

(17.) £63,428, to complete the sum for Law Charges and Criminal Prosecutions, Ireland.

(18.) £30,379, to complete the sum for the Court of Chancery, Ireland.

(19.) £21,126, to complete the sum for Common Law Courts, Ireland.

(20.) £6,768, to complete the sum for the Court of Bankruptcy, Ireland.

(21.) £8,488, to complete the sum for the Landed Estates Court, Ireland.

(22.) £8,548, to complete the sum for the Court of Probate, Ireland.

(23.) £1,200, to complete the sum for the Admiralty Court Registry, Ireland.

(24.) £13,628, to complete the sum for Registry of Deeds, Ireland.

(25.) £2,050, to complete the sum for Registry of Judgments, Ireland.

(26.) £97,391, to complete the sum for the Dublin Metropolitan Police.

MR. PARNELL said, he wished to call the attention of the Committee to the case of "O'Byrne v. Hartington," arising out of a savage assault committed by the Metropolitan police upon peaceable citizens at a public meeting held in the Phoenix Park, Dublin, in the year 1871, called for the discussion of political grievances. The police were ordered to disperse the meeting, but the manner in which they were to disperse it was not indicated. The fact was, however, they were led by an official whose name had not transpired, and the manner in which they dispersed it was by bludgeoning the speakers and also the reporters, as well as a considerable number of the persons who came to listen to the speeches. If this attack was not directed by the noble Lord the Marquess of Hartington, he should like to know who the official was that ordered the police to make it, and whether he still held office and received pay under the Vote? If he did, he should move to reduce it by that amount.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that the transaction was one which had occurred before the present Government came into office; but a trial in connection with it, which lasted 41 days, in which the noble Lord (the Marquess of Hartington), the late Chief Secretary for Ireland, Mr. Burke, the Under Secretary, Sir Henry Lake, the Chief Commissioner of the Dublin Police, and two of its inspectors, were defendants, was held before the late Irish Chief Baron, and a verdict was returned for the defendants, which was confirmed on appeal. That, he thought, was the most satisfactory reply he could give to the hon. Gentleman, as it was clear from the decision of the Courts that the police had acted under lawful authority on the occasion to which he referred. The decision was given upon those grounds and was given upon much broader grounds in relation to the other defendants, which

it was not necessary for him to enter into.

MR. BUTT did not wish to say much upon the subject, but thought the Committee ought to know how the matter stood. It was six years ago that this unfortunate transaction took place. A number of people were assaulted by the police, and severely beaten. Two persons brought actions; and at the time there was such an intense feeling in the House of Commons on the subject, that it was promised there should be an investigation by the Government into the conduct of the police when the litigation was concluded. A sum of money exceeding £10,000 had been spent in defending the defendants in those actions. The first trial lasted upwards of 41 days, and in the middle of those 41 days the progress of the trial was interrupted for two months in consequence of the leading counsel having to go away. The jury found a verdict against the noble Lord (the Marquess of Hartington), and decided that the meeting was legal, and that was sufficient to make them responsible for the acts of the police. That portion of the verdict could not be disturbed; but, notwithstanding, the inquiry had never been held, and the police had escaped on the ground that they had not received notice.

MR. CHARLES LEWIS rose to Order. He asked whether the hon. and learned Member was entitled to go into this matter on a Vote for the salaries and expenses of the police officers?

MR. BUTT said, he was not saying a word about the cost of the prosecutions.

THE CHAIRMAN said, the hon. and learned Member was perfectly in Order in discussing the subject.

MR. BUTT said, all he wished to say was, that anyone who read the evidence would be satisfied that the verdict of the jury was that the meeting was a legal one.

MR. LAW maintained that neither the noble Lord the Marquess of Hartington nor Mr. Burke was responsible for what happened in the Phoenix Park in 1871.

MR. CALLAN said, that whatever discredit attached to the affair rested upon the late Executive, not the present.

MR. O'SHAUGHNESSY said, that no such occurrence could have taken place in England without some official

being punished. If the police received no orders, then it was against the police the action should have been brought, and it would have been more candid for the noble Lord to have declared at once who were the real culprits. It was of importance that there should be an expression of the opinion of Irish Members on the subject. When he heard of the proceedings, he said if the law did not assert itself, blood would be shed, and within a few weeks of the occurrence two policemen were shot in the streets of Dublin, and everyone knew that that was because the Executive did not exert themselves. In that way two innocent men lost their lives.

MR. GRAY, while he acknowledged that the late Administration were to blame for what happened, could not agree that the present Government were altogether free from responsibility. Notwithstanding that, as had just been admitted by the right hon. and learned Attorney General, the Government had escaped upon a technical point, instead of acknowledging their moral responsibility, they still continued to defend actions brought against them for damages. In 1866 Lord Derby's Government obtained the legal opinion of Lord Cairns and others as to their right to disperse by force a meeting in Hyde Park, and that opinion was against such a right, even after giving notice. What notice was given people that they were to be illegally butchered that day? A few wretched handbills distributed the night before. The present Government shared the responsibility attaching to their Predecessors, inasmuch as they opposed actions brought to recover damages inflicted on poor persons, and carried appeals from Court to Court, using for the purpose the power of the purse and the public money without any permission from Parliament—using it, as he contended, immorally and improperly. It was true it was late to reopen the question six years after; but it must be remembered it was only this year they were able to discover how much money had been spent. It amounted to the enormous sum of £10,000. Where was that to stop? He hoped the hon. Member for Meath (Mr. Parnell) would bring the question up on Report, so that there should be a full discussion.

MR. CALLAN said, he was no supporter of the present Government. He

was opposed to them in principle and in detail. [*Laughter.*] Yes, in detail, and he had much pleasure in voting against them that evening when they were in a minority. But he must admit, as he had said before, that whatever disgrace attached to the Phoenix Park riots did not attach to the present Government, who were bound to continue the actions commenced by their Predecessors.

MR. PARNELL said, he had desired to raise the whole question upon the previous Vote for Law Charges and Criminal Prosecutions; but he was precluded from doing so, from the fact that when the Vote was passed he was accidentally out of the House. He thought it was his duty to raise the question as regarded the conduct of the police upon that Vote. The right hon. and learned Attorney General had not yet answered the question, whether the superintendents of police, or whoever they were, who set this attack in motion upon unoffending citizens in Dublin were still in the force. If they were not in the force, he had no objection to the Vote passing.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that the riot had taken place six years ago, and unless a minute investigation were made, it would be impossible to say how many officers who took part in this affair were now in the force. The Reports had not been before him, and he was unable to answer the question.

MR. DILLWYN said, that in the Report for 1873 of the Public Accounts Committee, it was stated that the accountant of this force did not give the security which was required by Act of Parliament.

SIR MICHAEL HICKS-BEACH said, he could not say off-hand whether the security had yet been given, but he should inquire into the matter.

MR. PARNELL said, he would call attention to the matter on the Report of the Votes to the House.

Vote agreed to.

(27.) £786,030, to complete the sum for the Constabulary, Ireland.

MR. M'CARTHY DOWNING said, there was an item of £11,000 odd for travelling expenses. He wished to know whether that sum included the travelling expenses of prisoners?

SIR MICHAEL HICKS-BEACH said, if the prisoners were conveyed any

distance the police were authorized to take conveyances, and those expenses were included.

CAPTAIN NOLAN said, there were one or two matters of principle which he wished to draw attention to. The first was that in the Estimates the extra police and old stores were included in one item, so that it was impossible to find out what was the amount voted for either separately. He also thought that in the item of election disturbances it ought to be distinguished how much was for extra police being sent to elections, and how much for actual election disturbances. The third point was, that a sum of £194,868 for pensions was included in six or eight lines, so that it was impossible to find out what the amount of individual pensions was. He thought the money ought not to be voted next year unless more information was given.

SIR MICHAEL HICKS - BEACH thought the object of the hon. and gallant Member was a really good one, and agreed with him that the receipts from extra police and old stores ought not to be included in one item. He did not know whether a distinction with respect to the election disturbance items could be made, but he would endeavour to do so if it was possible. With regard to the pensions, if the hon. and gallant Member's wish was carried out it would necessitate the printing of 5,000 or 6,000 names; but he thought that fuller information might be given with respect to the new pensions.

MR. CALLAN said, the right hon. Baronet the Chief Secretary had been most unusually uncandid. [*Cries of "Order!"*]

THE CHAIRMAN said, the hon. Gentleman was not in Order in using the words "candidly for him."

MR. CALLAN said, he wished to refer to the case of—

MR. DODSON rose to Order. The hon. Member had not withdrawn the expression.

MR. CALLAN said, he had not been asked to do so.

THE CHAIRMAN said, he must call upon the hon. Member to distinctly withdraw the word.

MR. CALLAN said, he would have done so before had he been asked, but would not do so on the ruling of an ex-Chairman. He wished to know, what

was the amount of the pension of the late Inspector General, Sir John Wood, in order to move the reduction of the Vote by that amount?

SIR GEORGE CAMPBELL asked, what was the reason for there being an increase of £19,000 this year for pensions?

MR. GRAY said, explanation should be given why, in counties where the force was not up to its normal strength, a charge for extra men was still imposed. It was believed in Ireland that in order to balance the increasing Vote for superannuation the Government contemplated imposing an additional charge for the maintenance of the barracks on the counties. It was also held that the real reason for Sir John Wood's retirement were the recent scandals in the force. He wished also to know why the Constabulary code of rules was kept a secret, while the Army regulations could be purchased for 1s. He wished to know, if he moved for these regulations, would they be laid on the Table? If the payment of the back-pay of a dismissed constable, afterwards re-instated, was included in this Estimate, why was it not done in an open and above-board manner, so that the House could understand, and hon. Members, if they desired it, challenge it?

SIR MICHAEL HICKS - BEACH said, the back-pay was included in the Vote. As to the rules of the Constabulary force, they were now under revision, and it would therefore be especially inconvenient to lay them on the Table of the House. Even, however, if this were not the case, he did not think it would be well to lay those regulations on the Table. As to the retirement of Sir John Wood, it was owing to ill-health, and with a pension of £1,080. His retirement was in no way connected with matters which had been referred to. The arrangements for the extra charge to counties had not been altered since the present Government came into office.

MR. PARNELL asked, why a county should be charged for an extra force, when the extra force was not in the county?

MR. CALLAN said, the explanations of the right hon. Baronet the Chief Secretary were so far satisfactory that he should not move to reduce the Vote. He would take that occasion to assure the right hon. Baronet that in using the

Sir Michael Hicks-Beach

word "uncandid," he did not mean to impute anything disrespectful.

THE CHAIRMAN said, he did not immediately stop the hon. Member when he used the words which he had employed, as he did not catch them. But his attention having been drawn to those words, he must say it was not in Order to use them.

SIR MICHAEL HICKS-BEACH, replying to the hon. Member for Meath (Mr. Parnell), explained the extra charge made to counties. Supposing a county were entitled to 100 men and there was an average number of 10 vacancies per 100 over the whole of Ireland, that would be a fair proportion of vacancies upon the whole county. Then, supposing the county required more men than 90 for its service, those men were sent and charged extra.

MR. GRAY wished it to be understood definitely and unequivocally, did the Government formally declare that the Constabulary rules were of such a nature that Government were afraid to lay them before the House? That was a serious question, and he wished a plain answer to it.

SIR MICHAEL HICKS-BEACH said, that he knew of no case of Constabulary rules being published, and he could not consent to such a proposal.

MR. O'DONNELL complained that the officers of the Constabulary were not appointed by open competition. The nominations were in the hands of the Lord Lieutenant, the Chief Secretary, and the Inspector General of Constabulary. That tended to perpetuate caste distinctions, as the nominations were practically limited to the friends of old officers and the hangers-on of the Castle circles. They would rather see the force officered entirely by Englishmen or Scotchmen under open competition than see it entirely officered by Irishmen upon the higger-mugger system of nomination.

SIR MICHAEL HICKS-BEACH had stated, on a previous occasion, that he failed to see his way to the introduction of open competition.

Vote agreed to.

(28.) £29,800, to complete the sum for Government Prisons, &c. Ireland.

In reply to Mr. PARNELL,

SIR MICHAEL HICKS-BEACH said, he proposed that the same kind of in-

quiry should be made into the circumstances of the Irish county prisons as the Home Secretary had undertaken to make in the case of the English prisons. As to the inspection of convict prisons, he had listened to the debate raised the other night by the hon. Gentleman, and he concurred fully in every word which fell from his right hon. Friend (Mr. Cross) on that subject. He thought it would be well that there should be some such visitation of convict prisons instituted as his right hon. Friend had described; but the subject was not without its difficulties, and he doubted whether it would be possible to deal with the matter in the Irish Prisons Bill. He hoped, however, to deal with it as soon as his right hon. Friend and he were able to arrange some system which would apply to both countries.

Vote agreed to.

(29.) £68,132, to complete the sum for County Prisons and Reformatories, Ireland.

MR. PARNELL called attention to the great injury which the Irish and Scotch taxpayers would suffer if the Irish and Scotch Prison Bills were not passed this Session.

SIR MICHAEL HICKS-BEACH hoped that both of the Bills alluded to by the hon. Member for Meath would be passed, and that their progress through the House would not be in any way impeded.

Vote agreed to.

(30.) £4,427, to complete the sum for the Dundrum Criminal Lunatic Asylum, Ireland.

(31.) £51,666, to complete the sum for Miscellaneous Legal Charges, Ireland.

MR. CHARLES LEWIS complained that in preparing these Estimates the small allowances to clerks of the peace under the Land Act of 1870 had been considerably reduced by the Treasury, without any opportunity being given to those gentlemen of being heard against reduction.

MR. BUTT said, the hon. Member for Londonderry (Mr. Lewis) had failed to show that for the amount of work done under the Land Act of 1870, clerks of the peace would not be sufficiently remunerated by the reduced allowances.

MR. W. H. SMITH said, the clerks of the peace had notice that the allowances were subject to revision in 1876, and he contended that the allowances, as revised, were ample for the work they had to do.

Vote agreed to.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock ;

Committee to sit again *To-morrow*, at Two of the clock.

SOLWAY SALMON FISHERIES BILL.

On Motion of The LORD ADVOCATE, Bill to provide for the appointment of Commissioners for making more effectual the Law in regard to Salmon Fisheries in the Solway Firth and its affluents, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 250.]

SAINT CATHERINE'S HARBOUR, JERSEY, BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for transferring to the States of the Island of Jersey Saint Catherine's Harbour, Jersey, and certain lands near it, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 251.]

METROPOLITAN BOARD OF WORKS (MONEY) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill for further amending the Acts relating to the raising of money by the Metropolitan Board of Works ; and for other purposes relating thereto, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 252.]

TREASURY CHEST FUND BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to limit and regulate the Treasury Chest Fund, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 253.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 17th July, 1877.

MINUTES.] — SELECT COMMITTEES—Earl of Mar, *nominated*.

PUBLIC BILLS — *First Reading* — Consolidated Fund (£20,000,000) *.

Second Reading—Registered Writs Execution (Scotland) * (144).

Committee — *Report*—Inclosure * (127); Saint Stephen's Green, Dublin * (134); Public Works Loans (Ireland) * (143); Companies Acts Amendment (No. 3) * (141).

Report—Universities of Oxford and Cambridge (146-151); Pier and Harbour Orders Confirmation (No. 2) * (113); Metropolitan Commons Provisional Order * (111); Open Spaces (Metropolis) * (149); General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) * (137).

UNIVERSITIES OF OXFORD AND CAMBRIDGE BILL.—(Nos. 114, 138, 146.)

(*The Marquess of Salisbury.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 18 (Objects of Statutes for Colleges in relation to the University).

THE MARQUESS OF SALISBURY said, that in pursuance of his promise to the noble Earl opposite (the Earl of Morley) on Friday night, that he would consider whether any addition was required to the 16th clause to enable the Commissioners to make provision for the Bodleian Library out of the funds of any Colleges—he had prepared a new sub-section to be inserted in Clause 18, as follows—

(" 4.) For empowering the College by statute made and passed at a general meeting of the governing body of the College specially summoned for this purpose, by the votes of not less than two-thirds of the number of persons present and voting, to transfer the library of the College, or any portion thereof, to any University library."

Amendment *agreed to*; and *inserted* in the Clause.

Further Amendments made.

Bill to be read 3^d on *Thursday* next; and to be *printed*, as amended, (No. 151).

REVISION OF THE IRISH STATUTES QUESTION. OBSERVATIONS.

LORD O'HAGAN inquired of the noble and learned Lord on the Woolsack, What progress had been made in

the revision of the Irish statutes? It was a work in which he took some interest, and he believed it was of importance both to the practice of the law and the satisfactory administration of justice that statutes which were obsolete and useless should be removed from the Statute Book. The work of revision was of present value, and would be of very great advantage in the future, by facilitating the consolidation of the statutes and the codification of the laws relating to Ireland. As far as the English statutes were concerned, the work had made satisfactory progress; but in Ireland, he regretted to say, very little had been done. The Bill which he had the honour to introduce in 1872 provided for the revision of the Irish statutes only to the reign of Henry VII.—the year 1494—and there remained still some 40 or 50 statutes to be dealt with. Since 1872 nothing had been done in the matter. In 1875 another Bill was introduced, which, if it had passed, would have brought down the revision to 1726; but that Bill was not proceeded with, and during the last two years nothing more, as far as he knew, had been done. He wished, therefore, to know from his noble and learned Friend on the woolsack, what progress had been made, and what were the intentions of her Majesty's Government on the subject?

THE LORD CHANCELLOR said, he would willingly give his noble and learned Friend all the information he possessed. He must, however, point out that the question really related to the Acts of Parliament of Ireland previous to the Union. Legislation since the Union, of course, under the head of Imperial legislation, had been dealt with by the proceedings for the revision of the Imperial statutes. His noble and learned Friend was quite accurate in saying that the revision of the English statutes, although not yet quite complete, had made very considerable progress towards completion. The revised statutes had been actually published down to the year 1856; and that, of course, would include the legislation of Ireland as well as England since the Union. There came then the question of the ante-Union statutes. His noble and learned Friend had told their Lordships the Bill he introduced in 1872 revised those statutes down to the year

1494—certainly a very distant day—and there it stopped. The year before last a second Bill was brought into the other House proposing to bring down the revisal of the ante-Union statutes to a still later date. The Bills for the revision of the Imperial statutes were generally introduced in that House and sent down to the House of Commons, and it had been the habit of Parliament to place confidence in those entrusted with the work, to take the Bills on trust, and to pass them without examination. In point of fact, examination of measures such as these would be utterly impossible by Parliament. The Bills went into such minutiae that they must be taken on the faith of the draftsman, or the work could not be done at all. Parliament had, therefore, accepted the Bills upon the faith of those who had introduced them. In regard to the Bill introduced in 1875 providing for the revision of the Irish statutes, a different course was adopted. The Bill, after it had been read a second time, was met first by a Motion to refer it to a Select Committee. Their Lordships, of course, did not require to be told that a Select Committee with such a Bill before them would have found their skill and energy taxed to the utmost. The Bill was also met by an Amendment raising the question of the policy of revising certain statutes. There again, he did not need to remind their Lordships that if a revision Bill was to be made the subject of controversy as to the bearing of the statutes it dealt with, a very wide area of discussion would be opened up. The result of these Motions was, that the Bill had to be abandoned. Now, he could assure his noble and learned Friend that the Lord Chancellor of Ireland and the Law Officers of the Crown were extremely desirous that the revision of the Irish ante-Union statutes should continue; but, at the same time, he felt bound to point out that, if a revision Bill was to become the subject of hostile discussion, it would have little or no chance of passing, because—however important it might be in a certain sense, other Bills would always have precedence of it. In fact, the chance of a Bill of that kind passing depended upon its being unopposed. If it were opposed, it was scarcely possible but that it should have to make way for other measures of a more pressing nature. That was

the position of the question to which the noble and learned Lord had directed the attention of the House.

House adjourned at a quarter before
Six o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 17th July, 1877.

MINUTES.]—SELECT COMMITTEE—*Report*—
Metropolitan Fire Brigade. [No. 342.]
SUPPLY—*considered in Committee*—CIVIL SER-
VICE ESTIMATES.—CLASSES IV., V., VI., VII.
—REVENUE DEPARTMENTS.
PUBLIC BILLS—*First Reading*—Local Govern-
ment Board's Provisional Orders Confirmation
(Artizans and Labourers Dwellings) * [255].
Select Committee—Report—County Offices and
Courts (Ireland). * [No. 341].
Committee—Report—Gas and Water Orders
Confirmation (Abingdon, &c.) * [235]; Metro-
polis Improvement Provisional Orders Confir-
mation (Great Wild Street, &c.) * [237];
Local Government Board's Provisional Orders
Confirmation (Belper Union, &c.) * [236].
Considered as amended—Telegraphs (Money) *
[227].
Third Reading—Elementary Education Pro-
visional Orders Confirmation (Felmingham,
&c.) * [223], and *passed*.

The House met at Two of the clock.

QUESTIONS.

THE STRAITS SETTLEMENTS—THE MALAY PENINSULA—EXPENSES OF THE CAMPAIGN.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have decided what share of the expenses of recent military operations in the Malay Peninsula is to be borne by the Imperial Government; and, whether it is the intention of the Government to ask for a Vote during the present Session?

MR. J. LOWTHER: No decision has yet been arrived at upon this question. The cause of the delay has been the necessity of communications, not only between the Colonial Office and the War Office, but also with the Governments of India and the Straits Settlements, ex-

The Lord Chancellor

penditure having been incurred by all these Departments. I trust that the matter will shortly be arranged; but it is not the intention of the Government to propose a Vote for this purpose during the present Session, as I fear the arrangements cannot be concluded in time.

NAVY—KEYHAM FACTORY—CASE OF EDWARD OWENS.—QUESTION.

MR. PULESTON asked the Secretary to the Admiralty, Whether his attention has been called to the evidence given at an inquest held on the body of Edward Owens, founder in Keyham Factory, Devonport, whose death resulted from inhaling noxious gases; and, whether the statement of Mr. Ellis, the foreman, that "the foundry ought to be better ventilated," and that "there was no ventilation in the iron and brass shop at all like there was in any other part of the department," would be inquired into, and the recommendation of the jury, that the Admiralty should provide better ventilation, acted upon?

MR. A. F. EGERTON, in reply, said, his attention had been called to the case alluded to by his hon. Friend. There was no doubt that the ventilation in the factory was defective, and the attention of the Director of Works had already been directed to the matter. The immediate cause of the death of this man appeared to be the impure atmosphere of the drying store, which, of course, could not be ventilated like other parts of the factory, and into which he went to lie down instead of proceeding into the open air.

RUSSIA AND TURKEY—THE WAR— NEUTRAL VESSELS IN THE BLACK SEA.—QUESTIONS.

MR. GOURLEY asked the Under Secretary of State for Foreign Affairs, If he will ascertain from the Turkish Government whether or not they will permit neutral vessels with merchandise other than contraband to pass in and out of the Black Sea without being detained in their passage through the Bosphorus; and, if he can inform the House how far the Turkish authorities possess the right of detaining and overhauling at Constantinople neutral vessels carrying non-contraband goods, should they attempt

to trade between the Black Sea and the Mediterranean?

MR. BOURKE: In reply to the hon. Member for Sunderland I have to state that I am sure he is aware—as no doubt the House and the public are aware—that a decree relating to neutral commerce passing through the Bosphorus was published on the 1st May, and was published in *The London Gazette* of the 15th May, relating to the whole of the subject to which the Question of the hon. Member refers. By that notice it appears that the right of search would be exercised by the Turkish Government in regard to vessels going to Ottoman ports or to neutral ports. Subsequent to that there was a decree notifying the blockade of Russian ports, and at the same time it was also mentioned that the right of search with regard to vessels going to Turkish ports and to neutral ports would only be exercised in the case of suspected vessels. Therefore, it would be useless for Her Majesty's Government to do what is suggested in the Question of the hon. Member—that is, to endeavour to exempt suspected vessels from search; because, of course, if a vessel is suspected by the Turkish Government it is not likely that they will exempt it from search. With regard to vessels going to a blockaded port, it is not likely that vessels going through Turkish waters would declare that they were going to a blockaded port; and, if they were to do so, it would not be rational to ask the Turkish Government to exempt them from search. There can be no doubt the Turkish Government has the right to search all neutrals, even although not carrying contraband, should they attempt to trade between the Black Sea and the Mediterranean.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, What steps Her Majesty's Government intend to take to ascertain whether the Turkish blockade of the Russian coasts is or is not "effective?"

MR. BOURKE: When doubts were thrown upon the efficiency of the Turkish blockade, representations were made immediately by Her Majesty's Government, through their Ambassador at Constantinople, to the Porte. The Ambassador at Constantinople reported that the Porte considered that the blockade was completely efficacious; and that was confirmed afterwards by a Report

which our Ambassador received from Hobart Pasha. Subsequently, as was mentioned in this House, I think by the hon. Baronet, vessels were heard of as going between Odessa and Nicolaieff—and other representations were then made to Her Majesty's Government to the same effect. A few days ago Lord Derby received a deputation of gentlemen interested in this question, and he promised that after hearing from them he would refer what they said to Constantinople. Lord Derby has now heard from them, their representations have been referred to Her Majesty's Ambassador at Constantinople, and Mr. Layard has been instructed to make further communications to the Porte on the subject.

RUSSIA AND TURKEY—THE WAR— WAR INTELLIGENCE—THE AMEER OF KASHGAR.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether any telegrams had been received from the Consul at Adrianople respecting the advance of the Russian Army across the Balkans; and also whether there was any truth in the rumour of the death of the Ameer of Kashgar?

MR. BOURKE: We have not yet received any definite information of the death of the Ameer of Kashgar; we know nothing more than what appears in the newspapers. With regard to the other Question of the hon. Baronet, I must answer it with some reserve, as I have had no notice of it whatever, and, of course, in answering a Question of this importance, it is desirable to be cautious as to what is said. We have had information from the Consul at Adrianople, but it is only information which has been received from other sources, and is not, therefore, of much more value than the statements which have appeared in the newspapers; but it seems to be a fact that the Russian advanced guard has crossed the Balkans, and has appeared in the neighbourhood of places which are mentioned in the various telegrams—Yeni Saghar and Jamboli. We have heard from Constantinople that the force is not of that large amount which appears in the newspapers. I do not think it would be prudent for me to state more upon the subject.

PERU—THE PERUVIAN LOANS OF
1870-1872.—QUESTION.

MR. BOURKE said, he did not know whether he was in Order in answering a Question which was on the Paper, but which had not been put; but it was desirable that a Question of its importance should not remain unanswered.

MR. RYLANDS (for Mr. T. CAVE) then put the Question, Whether the Government is aware that there is now at Lima a representative of the Peruvian bondholders who was sent out last January by a committee acting under the advice of Mr. James Croyle, representing a large section of the bondholders who disapprove of the alienation of the guano solemnly hypothecated to them by the Peruvian Government as security both for payment of interest and amortisation of the loans of 1870 and 1872 respectively; whether any communication has been made by the Foreign Office to Mr. Graham, Her Majesty's Consul at Lima, with regard to the suspension of the payment of interest on the Peruvian Loans 1870 and 1872, amounting nominally to £11,920,000 6 per Cent. Loan 1870, and £21,546,740 5 per Cent. Loan 1872, the interest of which has been unpaid for two years; and, whether the Government will lay upon the Table Copy of the Correspondence which has taken place between Her Majesty's Government and Her Majesty's Consul in Peru since the commencement of the present year?

MR. BOURKE: I think a Question of this kind ought not to remain on the Paper without being answered. I will first state exactly what Her Majesty's Government has done. In February last a gentleman came to the Foreign Office, and said he represented a large number of Peruvian bondholders, and wished to have a letter sent to Mr. Graham, Her Majesty's Minister at Peru, in favour of Mr. Clark, who was to be the agent of the committee, acting under the advice of Mr. James Croyle. The Government did what they always do under such circumstances. They sent a letter to Mr. Consul Graham at Peru, instructing him to give the gentleman all proper facilities, at the same time taking good care to warn him not to do anything more—that he was not to assist any agent in his endeavours to obtain assist-

ance for his plans from the Peruvian Government, or in any way to do anything that would commit himself. That is what Her Majesty's Government has done, and the reason why I am anxious to answer the Question is, that I wish to state that a great deal has not been done that is stated in the Question. We do not know what section of the bondholders the gentleman sent out represents, or whether it is a large or a small one, or of what they disapprove. We know nothing about Mr. Croyle or Mr. Clark. No communication has been made to Mr. Graham, or by him to the Peruvian Government, on the suspension of the payment of the interest on the loans; and with regard to the Correspondence that has taken place, there is no objection whatever to lay on the Table of the House all the Correspondence that has taken place between Her Majesty's Government and Mr. Graham connected with the question.

ORDERS OF THE DAY.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS IV.—EDUCATION, SCIENCE, AND ART.

(1.) £5,176, to complete the sum for the National Gallery, *agreed to*.

(2.) £1,400, to complete the sum for the National Portrait Gallery, *agreed to*.

(3.) £9,250, to complete the sum for Learned Societies and Scientific Investigation.

MR. LYON PLAYFAIR asked, whether Her Majesty's Government would not consider the propriety of giving a grant in aid of the Scottish Meteorological Society? He said, he should be glad if the Chancellor of the Exchequer would explain the position of the negotiations with regard to that Society. The previous Government had indicated that it was desirable that substantial aid should be given to that Society, and since then two Commissions had inquired into the subject, and recommended that a certain amount of aid should be granted. Since then the Government had appointed a Meteorological Council of the Royal Society to superintend

the division of the increased Vote of £10,000 for meteorological purposes. As the purposes for which that sum would be expended were almost exclusively for the promotion of science by the production of weather forecasts, if the grant were to be confined entirely to those purposes, the Scottish Society would only receive assistance of the most insignificant character. The inquiries to which the Society had hitherto given attention were of national importance, including such subjects as the effects of the temperature of the sea on the migration of herrings, and the effects of the changes of climate with regard to the mortality of the population. It was a peculiar circumstance with respect to Scotland that the mortality was rather on the increase in that country, while in other parts of the Kingdom it was diminishing. Very important results had been obtained and might be looked for in the future from the inquiries instituted by the Society with regard to the mortality of Scotland, but the Society had not the power of making these inquiries as they desired to do; and, therefore, if the Council of the Royal Society were to be the supreme judges of what ought to be considered matters of national importance, and of what should be the character of the inquiries to be made in Scotland, the Scottish Meteorological Society would be in just as bad a position in future as it had been in the past, notwithstanding the large increase that had been made in the Vote. What he wished to ascertain from the Chancellor of the Exchequer was, whether he would authorize the Council of the Royal Society to apportion certain grants for important national purposes connected with meteorology, and not merely for making observations for weather forecasts and other similar purposes, such as had hitherto been recognized in the apportionment of the grant. He was afraid that unless this were done all the labour and all the representations that had been made by the Society to the Government would have been futile, and the Society would be just as crippled in carrying on inquiries that were of national importance as it had been before. He should like it, therefore, to be understood whether the Treasury intended to give power to the Council of the Royal Society to grant a portion of the Vote for such specific

national purposes as those which he had hinted at as engaging the attention of the Scottish Meteorological Society.

THE CHANCELLOR OF THE EXCHEQUER said, that this was a question that naturally excited a great deal of attention, both in the minds of gentlemen connected with Scotland and of those who were interested in scientific investigations. He was not at all disposed to undervalue the services rendered by the Meteorological Society of Scotland; but the Government had to bear in mind that the assistance which Parliament did or could give to scientific investigations must necessarily be limited, and that it was not every good or desirable object for which it would be their duty to propose a Vote to Parliament. He was quite aware that those at the Treasury had continually to show themselves hardhearted, and perhaps they would be thought blind to the interests of science, as they were under the necessity of turning a deaf ear to applications, in themselves worthy of attention, but which if they admitted, they would be obliged to go further than would be justifiable in the way of asking aid from Parliament. It was desirable that the Committee should understand precisely what the nature of the grant was. It had formerly been the habit of the Government, through the Board of Trade, through Her Majesty's ships abroad, and in other ways, to collect meteorological observations, which were considered of value in determining great problems of meteorology. During the time of the late Admiral Fitzroy these observations were carried on partly by the Board of Trade and partly by the Admiralty; but after Admiral Fitzroy's death, it being a considered a questionable proceeding that such inquiries should be conducted by a Government Department, communication took place upon the subject with the Royal Society, and they appointed a council of their members to advise Her Majesty's Government as to the inquiries to be carried on, and to take charge of the administration of such sums as might be provided for the purpose. A special sum of £10,000 was for some years placed at their disposal. An inquiry at length took place as to whether the system could not be improved or modified, and communications were opened with the Scottish Meteoro-

logical Society—a private society that was doing good and useful work—and representations were made that encouragement should be given to that Society by the Government. The Government had every desire to recognize the importance and the work of that Society. A Departmental Committee was appointed, with Sir William Stirling-Maxwell as Chairman, who presented a Report, in consequence of which some changes were made in the Meteorological Committee of the Royal Society. It was replaced by a Meteorological Council, not necessarily consisting of Members of the Royal Society, but of gentlemen designated by the Royal Society with the addition *ex officio* of the Hydrographer to the Admiralty. The Scottish Society was found to have done a good deal of work which was of use to the Government in the prosecution of their inquiries. They had received no remuneration for that work, and £1,000 was recommended and awarded to them, in respect of the past; and as to the future, it would be for the Council to consider how far they could avail themselves of the service of the Scottish Meteorological Society in the conduct of their business, and on what terms that assistance should be rendered. The English Meteorological Society stood on precisely the same footing as the Scotch Society. Then came the question whether there should be a direct grant in aid of the Meteorological Council as a scientific body. They all desired to recognize the claims of scientific bodies to assistance from the national funds; but it was very difficult to draw a line and say where that assistance should begin and where it should end. It was one of the most perplexing questions with which successive Governments had to deal—how national aid could best be given for the promotion of scientific research. All the Treasury could do was fairly to consider the applications brought before them; and looking to the very large amount contributed by the Government to the promotion of science, they could not undertake to extend that assistance in the way desired by the representatives of the Scottish Meteorological Society. There was an impression among some that the Government were indifferent to the interests of Scotland, but that certainly was not the case. The fact was, they were

unable to enlarge indefinitely the assistance given to scientific societies. He therefore hoped the Committee would agree to this Vote of £10,000 to the Meteorological Council as now constituted, and would not press them either to weaken the hands of the Council or to add to the sum now proposed to be granted.

MR. M'LAREN took leave to think that the answer of the Chancellor of the Exchequer was extremely unsatisfactory. There was no denying that there was a tendency in every possible way to keep down grants to Scotland as compared with England. Nothing could be more unfair. An official Return showed the amount of revenue raised in both countries, and if the rule of division were applied it would be found that Scotland paid 2d. per head more than England on all the taxation of the country, and paid three-fourths per head more than Ireland, and yet England and Ireland got large grants, while Scotland got no compensating grants. A sum of £2,000 a-year from the Queen's bounty was cancelled, not by the present, but by the late Government. If Scotland paid more than England and Ireland of taxation in proportion to her population, why should every proposal to give a grant for scientific purposes in Scotland be put down in that way? No doubt, as the Chancellor of the Exchequer had said, they might appeal to the Council of the Royal Society in London; but the right hon. Gentleman very well knew that the Society would not give a shilling of its money to Scotland, as it had not enough for its own purposes. The Scotch Society had about 100 free stations, all working well, to which Scotchmen subscribed £400 or £500 a-year, and if all the parties who worked were paid, the outlay would amount to several thousands a-year. All that labour conduced to the general welfare of the country; for the investigations made were published from time to time, and the Commissioners of Fisheries had been very much indebted to the labours of the Society in Scotland. Now it was very hard that while Scotland contributed its share in every possible way, grants and allowances were screwed down or refused. For example, there was a national museum agreed to be erected in Edinburgh some

The Chancellor of the Exchequer

years ago. Grants for it were received in small instalments for several years, until the present Government came into office. The present Government had promised and promised that it should be completed, but they had stopped the works, and allowed it to stand still. In the same spirit the grants for scientific appliances were, out of all proportion, small for the numbers who visited the museum. He moved for a Return the other day which would throw a good deal of light on the subject of the condition of the Royal Observatory. That institution, although belonging to the Crown, had been very sadly neglected, while large sums were given for similar objects in the sister Kingdoms. He thought that it was generally inexpedient to vote large sums for scientific purposes, unless it were shown that such sums were fairly distributed, and that Scotland, in proportion to its population and taxation, received as many grants as England or Ireland. He thought it was very objectionable to vote this grant without making an equivalent grant to the Scotch Meteorological Society. Every man connected with that Society was a free worker except the Secretary, who was very much under paid. The Society met in Government apartments, but for which a charge was made for rent. The only grant made to Scotland for scientific purposes was £300 a-year, and the Government charge was nearly as much for the apartments used by the Society which received this grant.

MR. RYLANDS believed there was a great waste in many Public Departments; but he confessed he was not able to charge either the present, or the preceding Government with extravagant expenditure in the promotion of scientific research. One important question in the consideration of applications from learned societies for assistance in the pursuit of scientific objects was, whether the end to be attained would benefit the nation? Whenever such cases came before the Government he hoped they would be responded to in the spirit of generosity.

MR. W. H. SMITH said, he was gratified to find that, for once, they were in accord with the hon. Member for Burnley (Mr. Rylands). The hon. Gentleman would shortly have an opportunity of supporting a Supplemental Vote

which it was intended to propose for the very object of which he had approved. In their Report the Committee to which reference had been made recommended the further development of inquiries conducted by the Meteorological Council, involving an expenditure of £4,000 a-year, which in the judgment of the Treasury would be a most desirable outlay. The Government had, therefore, full confidence that the House would support the demand which they would make at a later stage. As to the tests that ought to be applied in such cases, special regard ought to be paid to two points. The object to be attained ought to be distinctly national, and not one in which particular individuals or classes were concerned. There ought also to be a definite understanding that, as a proof of their earnestness in the work they proposed to undertake, the Societies themselves should contribute largely towards the object they had in view. He did not think that Parliament ought to be called upon to place in the hands of gentlemen four or five times the amount of the aggregate subscriptions to the society or the association for which aid was sought.

MR. BELL assented to these conditions, providing they did not tie too tightly the hands of those who had to determine what a national object was. He bore testimony to the great good which might be done by such a Board as that indicated by the Chancellor of the Exchequer. He hoped the Board would be inaugurated at no distant day.

MR. LYON PLAYFAIR said, he might say, in explanation, that he had not suggested or asked for any special Vote for the Meteorological Society of Scotland. All he asked was, that the Government should intimate to the Council of the Royal Society that it was quite within their scope to give power for increased expenditure for national purposes connected with meteorology, such as those he had mentioned—for instance, climatic conditions affecting the herring fisheries, climatic changes affecting the health of the people, &c. He only asked that the Treasury should intimate to the Royal Society that it was within their scope to support such inquiries. If that were not possible, he would throw out a suggestion which he hoped might fructify the fertile soil of

the Treasury Bench, and that was that as such inquiries were of supreme importance to Scotland and the Scotch fisheries, and as the Government made large profits from the brand, and were likely to make a peculiarly large profit this year, the Treasury should consider whether they could not allow the Fishery Board to help the Meteorological Society out of the funds which it would acquire from the herring fisheries. If this question were reserved and if a satisfactory case were made out, a Vote could be introduced into the Supplementary Estimates when they were brought in.

MR. W. H. SMITH said, he could not undertake to follow the suggestion that had just been made.

MR. M'LAREN wished to state, lest hon. Members might imagine that the Society was making an unreasonable claim, that the Society approved of all the conditions which the Secretary to the Treasury had laid down—namely, that the money should be for national objects, and no other purpose whatever. With reference to the suggestion that those interested in the Society should themselves contribute liberally, he said that they had contributed liberally for 20 years without receiving a shilling from the Government. All their expenditure had been contributed by themselves, and surely nothing could be more liberal than that. The hon. Gentleman had said that a Society ought not to ask three or four or five times the amount from the Government which it contributed; but that Society was quite content to receive the equivalent of the amount it subscribed, and surely that was not asking three or four times the sum they contributed. The real fact was that because Scotch Members in that House were few in number, and had no Home Rule bond of union, the officials of the Treasury in every possible way pared down allowances and grants to Scotland, whilst in every case of taxation they made Scotland pay to the uttermost farthing.

MR. RAMSAY said, he was not in the least surprised, that the Secretary to the Treasury should again seek to put the Scotch Members off when they made an application to receive a share of the money which was devoted to meteorological purposes. The discussions that had taken place in past years had clearly shown that they were not asking that

the grant to the Royal Society should be reduced; but that the contribution that was made by the Scotch Meteorological Society to science should be recognized by the State as a useful part of the meteorological work done for the benefit of the whole community. The right hon. Member below him (Mr. Lyon Playfair) had suggested that some part of the fund derived from the herring fishery brand should be devoted to the special purpose of making an investigation into isothermal lines, and the influence of that knowledge would, no doubt, be of advantage to the herring fisheries. He considered that they were quite entitled to demand and to get from the Treasury a grant equal to what the Society contributed towards the advancement of meteorological investigation. They had been put off from year to year, and he thought their forbearance ought not to be practised upon too far; because although they had not hitherto fought in the way Irish Members had done to secure their objects, he believed that if the hon. Gentlemen opposite continued to treat them with the indifference they had heretofore met with, they might be driven to fight, and might fight quite as successfully in obstructing Business as their Irish friends. They did not desire to get up a Home Rule agitation; but if Scotland was to be altogether ignored, if they were to continue permanently to be ignored when they advanced claims of that kind, he did not know of anything that could lead more surely to an agitation for Home Rule. He deprecated the treatment they had heretofore received, and hoped that, notwithstanding the statements of the hon. Gentleman, he would be disposed to consider that proposal with greater favour, and to conform to the suggestions made by the right hon. Gentleman (Mr. Lyon Playfair) when he asked that the Treasury should intimate to the Council of the Royal Society that they had the power to give to other societies some contribution from the sum voted by Parliament for meteorological purposes.

THE CHANCELLOR OF THE EXCHEQUER protested against the doctrine laid down by the hon. Gentleman. These grants could only be given for the sake of services to be rendered to the country, and not according to the population or taxation of any particular part of the

Mr. Lyon Playfair

Empire. When the Papers connected with this matter were laid on the Table it would be seen that the grants were made for strictly national objects, and that the Committee appointed consisted of Gentlemen thoroughly competent to deal with the question. He could assure the Committee that if the Council recommended that a further extension should be given to meteorological inquiries the Government would consider what could be done to meet the fair claims of Scotland.

SIR JOHN LUBBOCK said, that the distribution of these grants was entrusted, not to the Royal Society itself, but to a committee of scientific gentlemen suggested by that body. It was in no sense a grant to the Royal Society, and formed no precedent for a grant to any particular Society. He hoped that the Chancellor of the Exchequer would stand firmly by what he had said, and would leave the distribution of the fund in the hands of the Committee. He was sorry to hear the question argued from a local point of view. It was not an English, Scotch, or Irish question. The main point was to see that the money was spent well for the promotion of the interests of the whole nation.

SIR GRAHAM MONTGOMERY complained that the Government, in the construction of the Meteorological Committee, had, by their letters and instructions, prevented the Committee from giving that assistance to the Scotch Meteorological Society which they ought to have done. He hoped that before the Supplementary Estimates were brought in the Government would see their way to giving greater liberty to the council, so that they might afford assistance to the Scotch Society if they thought desirable.

MR. M'LAGAN said, that the Vote was already too small, but he should move to reduce it still further unless the claims of Scotland were recognized. In the Report by the Treasury Committee it was stated that the Council to be appointed by the Treasury would have it in its power to give a grant to the Scotch Meteorological Society for its researches. His right hon. Friend below him (Mr. Lyon Playfair) mentioned some of the researches which the Scotch Society had taken in hand, and amongst them there was particularly the investigation as to the effect of the temperature upon the

herring fisheries, upon the soil and agriculture, and upon health. Now, he wished to know whether such researches came within the scope of the Meteorological Council? If they had a satisfactory answer to that, and the Council had the power to give the grant, then they would be satisfied; but if they found that the Council had not the power to give the grants, then they must oppose the Vote.

CAPTAIN MILNE HOME asked the Secretary for the Treasury, Whether there would be a representative from Scotland on the new Council about to be appointed? If the grant was to be national, so ought the Council to be also.

MR. W. H. SMITH replied, that it would hardly be possible for a representative of the Meteorological Society of Scotland to attend daily, at his own expense, the meetings of the Council in London. The names of the proposed Council would be laid on the Table before the Supplementary Estimate was moved.

Vote agreed to.

(4.) £7,970, to complete the sum for the University of London, *agreed to.*

(5.) £3,000, to complete the sum for the Deep Sea Exploring Expedition, *agreed to.*

(6.) £9,200, to complete the sum for the Paris International Exhibition.

MR. GOLDSMID inquired, Whether it was likely that the total Estimate of £50,000 would be exceeded, and on what principle England and other countries exhibiting had been required to provide architectural fronts to the spaces allotted to them?

MR. SERJEANT SPINKS asked, Whether the Government would make any representations to the French Government to obtain more space for English exhibitors? One of his constituents, who intended to exhibit spinning machinery, had been shut out from doing so by having made his application through an agent and not in his own name, and when he repeated the application the whole space was already allotted. He had reason to believe that many other persons were in the same position.

MR. BELL said, that the number of square feet assigned by the Directors of

the Paris Exhibition to English exhibitors was 56,000, and the Royal Commission had received applications for over 150,000 feet, the applications from the manufacturers alone amounting to nearly the whole of the space assigned.

MR. LYON PLAYFAIR, as Chairman of the Finance Committee of the Commission, wished to say that the sum of £50,000 was, in comparison with previous Exhibitions, a small amount; but by the care and attention which had been given to the whole subject by the Royal President of the Commission, and by the assistance which they had received from the representatives of various branches of industry, they hoped that, in spite of the architectural fronts, England would be exceedingly well represented without any increase upon the Estimate. This would not have been possible had it not been for the great zeal and liberality with which many exhibitors had come to the aid of the Commissioners. There was every reason to suppose that with £50,000 they would be able to make this the best Exhibition England had ever given in any foreign country. It was a matter of deep regret that the eminent manufacturer referred by the hon. and learned Member for Oldham (Mr. Serjeant Spinks) had not received space; but it was owing to a technical error of the manufacturer himself in not sending in his name. They had received from the French authorities for more space than they originally intended to allocate to England. There were some nations to whom space had been given who would not exhibit, and perhaps, therefore, some more space might be obtained for British exhibitors.

THE CHANCELLOR OF THE EXCHEQUER observed that when the proposal was first submitted to the Government to ask Parliament for a grant in aid of the Paris Exhibition, the Treasury decided that a grant not exceeding £50,000 should be applied for. A Royal Commission, of which His Royal Highness the Prince of Wales was President, was appointed, and several Members of the Government, of whom he was himself one, were on the Commission. At that Commission it was proposed by His Royal Highness, who had taken a deep and personal interest in the management of the whole business, that a Finance Committee should be appointed, with considerable power of checking the whole

expenditure. His Royal Highness did him (the Chancellor of the Exchequer) the honour of suggesting that he should be Chairman of that Committee; but he felt that it was better, as a Member of the Government, that he should not be a Member of that Committee, and that the Treasury should restrict themselves to the function of keeping the Commission within the bounds of the Vote. His right hon. Friend opposite (Mr. Lyon Playfair) had been appointed Chairman of the Finance Committee, and had been efficiently and assiduously discharging his duties.

Vote agreed to

(7.) £2,072, to complete the sum for the Board of Education, Scotland, *agreed to.*

(8.) £13,964, to complete the sum for Universities, &c., in Scotland, *agreed to.*

(9.) £1,500, to complete the sum for the National Gallery, &c., Scotland, *agreed to.*

(10.) £440, to complete the sum for the Commissioners of Education (Endowed Schools), Ireland, *agreed to.*

(11.) £1,789, to complete the sum for the National Gallery of Ireland, *agreed to.*

(12.) £3,494, to complete the sum for the Queen's University, Ireland, *agreed to.*

(13.) £9,404, to complete the sum for Queen's Colleges, Ireland, *agreed to.*

CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.

(14.) Motion made, and Question proposed,

"That a sum, not exceeding £139,725, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Expenses of Her Majesty's Embassies and Missions Abroad."

MR. RYLANDS protested against the large expenditure under this head, and moved to reduce the Vote by £5,000. He remarked that there was no branch of the public service, except perhaps the Navy, which had created a larger amount of criticism. The diplomatic expenditure had gone on increasing for a great number of years. The Committee on Official Salaries, which sat in 1850, suggested

Mr. Bell

certain reductions and economies in the Diplomatic Service, and if these recommendations had been carried out they would have saved £150,000 in their diplomatic expenditure during the last 25 years. He raised the question in 1869 of the diplomatic expenditures, and on that occasion, in a large Committee of the Whole House, the Motion for reduction was only rejected by the casting vote of the Chairman of the Committee. During the last few years the tendency had been to increase the expenditure, and there was £25,000 more spent than in 1850-1. It had been said with truth that the Diplomatic Service was an aristocratic preserve, and there was no doubt that the Service was arranged in a manner very different from the other Public Services. The Diplomatic Service, instead of having the principle of competition applied to it, rested upon the nomination of the Foreign Secretary, and the young *attachés* were selected from families of great political and social position; and instead of the expenditure being cut down when an Embassy was found to be unnecessary, there was always a pressure to keep it up. He wished to remind the Committee that whilst this expenditure on the Diplomatic Service had been increasing to so large an extent the circumstances under which the Diplomatic Service existed had entirely changed, and it had been rendered much less important. At the beginning of this century British interests were supposed to be involved in every little change in the petty States of Europe. We went into the French revolutionary wars to retain the old respectable Royal Families of Europe in their legitimate position. But all this had now passed away. We could watch revolutions abroad without thinking it necessary that our Foreign Office should have their fingers in the pie. The policy of this Kingdom had changed with regard to the question of intervention; but we still considered it necessary to keep up the old-established system. In those days a very great part of the arrangements of Europe depended upon secret and complicated negotiations, carried on by means that were now never contemplated. In fact, the personal influence of a Sovereign was paramount, and upon his state of health or mind depended the issue of peace or war. And women, too, played a large part in work-

ing out Court secrets in those days. The Secret Service money was then a reality, and not the mere sham which it was at the present time. Everybody was bribed, from a King's mistress down to some petty officer of the Government. There was a tradition that important information respecting the secret Articles of the Treaty of Tilsit was purchased by the gift of a diamond necklace to a lady connected with the Russian Embassy. But all this had been changed. Europe was then covered by petty States, the focus of intrigue and mischief; but these had been consolidated into the Great Empires of Germany and Italy, and no longer endangered the peace of Europe. The telegraph and railways had brought the British Government into immediate contact with all the great capitals of Europe. The Foreign Office could communicate by the telegraph with the Ambassadors, and there was now not the necessity for a large staff of diplomatists. By looking at the Blue Books hon. Members would see how completely the British Ambassadors were even guided and governed by the Foreign Office. Constantly, either by despatches or by telegraphic messages, as matters of importance had arisen, the Foreign Office had communicated with the Ambassadors abroad; and by means of the telegraph, or by other means of communication, the Foreign Secretary had directed the Ambassadors as to the course which they ought to take. It seemed to him that all the circumstances which he had very briefly glanced at, showed that though the number and the class of the representatives in the Diplomatic Service might have been justified under the circumstances which existed 50 years ago, it was entirely unjustifiable at the present moment. To the Great Powers of France, Germany, Russia, Austria, Italy, the United States, and he supposed he might still say Turkey, they sent Ambassadors of the first rank, and surrounded them with a very large staff. There was not one of the staffs that might not be reduced. He was quite ready to admit that if it was necessary to have representatives anywhere it was clearly necessary to have them in these centres of political influence, but below these great Embassies were the small Kingdoms and States of Europe, where there might be a very great reduction indeed. There was no necessity to have

a Minister of first rank in Denmark, Sweden, or some of the lesser European States, where, under ordinary circumstances, a *Chargé d'affaires* would be sufficient, and if anything turned up of importance, it was easy to send a Plenipotentiary. And then, again, the small German States were under the control of Germany, and there was no necessity to have special representatives at those petty Governments. Then there were some third-class representatives in South American States who might be done away with, and their duties discharged by Consuls. For instance, the Argentine Republic cost us £4,400, when, perhaps, £2,200 would be amply sufficient. In moving that the Vote be reduced by £5,000, he merely wished to intimate that the Vote was excessive. He believed if the Foreign Office would deal with it in a thorough manner and get rid of unnecessary officials, and reduce the rank of some of the American Embassies, they might save many thousands per annum. The second and third class Secretaries of Legation were much more numerous than were required by the necessities of the case. In speaking on this Vote last year he understood the Under Secretary to promise that a Return would be given of the expenditure of the different Embassies, but he had not yet seen the Return.

MR. BOURKE was understood to say that the Return for 1875 was given with the Appropriation Accounts some months ago.

MR. RYLANDS said, that his reason for asking for it was that in former years great abuses had arisen under the heads of miscellaneous expenditure, and it was a great check to have the items laid on the Table of the House. He begged to move that the Vote be reduced by £5,000.

Motion made, and Question proposed,

"That a sum, not exceeding £134,725, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Expenses of Her Majesty's Embassies and Missions Abroad."—(*Mr. Rylands.*)

MR. BOURKE said, the hon. Member had not moved the reduction of the Vote upon the ground of extravagance in any particular Mission, but upon the general ground that a reduction should take place in the Service. He thought that was hardly the way to deal

with any branch of the Public Service. The only way of showing whether a large reduction could be made was by going into particulars and pointing out instances of extravagance in detail; but the hon. Member had only so far gone into particulars as to state that he thought certain Missions—such as the Netherlands, Norway and Sweden, and Denmark—could be abolished or reduced. With regard to the Netherlands, the Minister there had not a large salary; but his (Mr. Bourke's) experience since he had been in office showed him that there was no country in Europe with whom he had so many and so diverse commercial relations as the Netherlands. Again, we must maintain our position with other countries. There was no doubt that the interests of England would suffer if we had Ministers of inferior rank to other countries at the various places mentioned. All these matters had been minutely gone into by the Committee of 1871, of which the hon. Gentleman was a Member. That Committee made a Report to which the hon. Gentleman assented, and the effect of that Report was that it had not been shown to the satisfaction of the Committee that the expenditure had been extravagant, while many reforms had been made by the chiefs of the Foreign Office. That was the Report of the Committee in 1871, and since 1871 many other reforms had been effected, which had tended to the economy and efficiency of the Diplomatic Service. With regard to the other places mentioned—the minor German States, Darmstadt and Coburg—the hon. Member was well aware that there were special reasons for retaining a Minister at these places. At both Hesse Darmstadt and Coburg personal considerations connected with the relations of the Sovereign had rendered it especially desirable that a Minister should be retained, and they had often been found extremely useful. Other Powers had representatives there of equal rank with ours, and it did not follow, as had been shown by Mr. Hammond before the Committee, that because a place was small a representative there was of no use. As to the system of appointment to the Diplomatic Service, that question had been raised by the hon. Member for the Border Boroughs (Mr. Trevelyan) in the early part of the Session, when he (Mr. Bourke) pointed

Mr. Rylands

out that Lord Derby thought it impossible to make it an open service. The majority of the Committee of 1871 recommended that the present system should be continued, and if it were not continued he must say that a very large increase would have to be made in the salaries, and consequently a great increase in the expense must be expected. Both Lord Derby and the late Foreign Minister (Earl Granville) had come to the conclusion that, under all the circumstances, it was impossible to appoint any one to the Diplomatic Service who had not private means. The salaries paid were inadequate to the amount which those engaged in the Service were obliged to spend. He thought the present was a most inopportune moment for reducing this Estimate. In fact, it was found it would be necessary to increase, rather than diminish, the number of our Consular Agents abroad. There was hardly any Department in the Foreign Office which was receiving more attention than was this Department; and the House might depend upon it that it would be the desire of the Government to keep it efficient without incurring any unnecessary expense.

MR. GOLDSMID said, the hon. Member for Burnley evidently thought he had a mission to alter and re-arrange the map of Europe, and with the assistance of the German Emperor he certainly had to some extent been successful. But he hoped the Committee were not prepared to express a wish to see the smaller States of Germany absorbed in order that we might no longer send representatives to them. He, in common with many other hon. Members, strongly disapproved of the annexations made by the German Emperor—such as that of Hanover—and also regretted that this country was no longer represented in some very important places. He felt quite sure that the Netherlands could not be regarded as an insignificant country; and when it was remembered that it was a country that had done more for the march of freedom even than the hon. Member, it was not desirable that we should give notice that its independence ought to cease because some Members might wish to withdraw the salary of our Diplomatic Representative. We had such Representatives in only 32 countries, and in other countries we had only Consular servants. He believed that

many of the difficulties which had recently arisen were owing in a great measure to the reduction of our Diplomatic and Consular Establishments. He hoped the Government would not give way to the ill-advised pressure which had been brought to bear upon them during the last few years for a further reduction of our Diplomatic and Consular staff. As the Under Secretary had just stated, the present was a time not for reduction, but rather for increase. The country ought to be well represented in small independent States as well as in the larger ones, and he trusted the independence of those small States would be preserved for many years to come.

DR. CAMERON agreed with much that had fallen from the hon. Member for Burnley (Mr. Rylands). He (Dr. Cameron) had last year moved the reduction of the Vote on account of certain proceedings which had taken place in Peru, and he considered it desirable to call attention to the fact that we had been dragged into something worse than a fiasco by the course taken by Admiral De Horsey, who had acted on some information that the *Huascar* had been committing outrages on British interests. If we had to wait for more detailed information on that subject we should have to wait until next Session or the Session after that. He objected to our having such highly-paid representatives in Peru, where they could not be communicated with speedily; where they could not be controlled by the Foreign Office; but they had just such powers as to get us into mischief. He cordially supported the Motion of the hon. Member.

MR. GORST said, there was no part of the world in which it was more necessary that we should be represented by efficient public servants than it was in the Republics of South America, because delicate and difficult questions arose which must be decided without the advantage of telegraphic communication with England. The very fact that we required such efficient servants was a reason why the sum at the disposal of the Foreign Office should not be reduced.

MR. HAYTER said, he should like to know who was now in actual receipt of the £8,000 charged for the Ambassador at Constantinople. If Mr. Layard received that amount there must be a vacancy at Madrid, for which £5,000

was charged, and if Mr. Layard was at Constantinople only temporarily, then perhaps Sir Henry Elliot was receiving it. There was, too, a larger number of Secretaries at Constantinople than at any of the principal Courts of Europe; for while there were five at Constantinople there were only four in Austria, three in Germany, three in Italy, and three in Russia. It would be satisfactory to know why two more were kept in Constantinople than in Germany, Italy, or Russia. He would also be glad to know on what principle the salaries of our representatives in Greece and Denmark were based; because there seemed to him to be a great disparity in some of the items connected with those Embassies.

MR. BENTINCK considered the course pursued by the hon. Member opposite (Dr. Cameron) as most irregular with regard to the *Shah* and the *Huascar*, when it was known to him that the Papers relating to the matter would be produced; and with regard to the conduct of Admiral De Horsey, it would be found that he had been fully justified in the course he had taken by the circumstances of the case.

MR. BOURKE said, he was not aware whether Mr. Layard was now receiving the Madrid salary of £5,000, or the Constantinople salary of £8,000; but his impression was that a special arrangement was entered into with him when he went to Constantinople. He was not at present able to answer the question more fully. With regard to the Secretaries at Constantinople, he did not think there was any Mission in the world that was more hardly worked than the Mission in that city, and there were frequent complaints of the large amount of work that had to be done. It would be impossible to reduce the staff at Constantinople. The gentleman who was acting as *Chargé d'Affaires* at Madrid was receiving extra pay of £1 a-day. [An hon. MEMBER: Sir Henry Elliot?] According to the rules of the Service, Sir Henry Elliot received half his salary. Salaries had been adjusted from time to time, and when a salary had been settled it was almost impossible for a Secretary of State to reduce it.

MR. DILLWYN thought it most extraordinary that the hon. Gentleman was not able to give the Committee any satisfactory information on transactions which

had been the subject of discussion all over Europe. As the Government seemed to take the matter so easily, and turned their attention to the matter so little, he thought it desirable that the Vote should be postponed in order that the hon. Gentleman might be able to obtain further information respecting these matters.

MR. BOURKE said, he had given all the information that had been required, except on one point, and that was as to whether Mr. Layard was receiving the Madrid salary. If the hon. Member considered it important he would give the information when the Report was brought up.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(15.) £165,894, to complete the sum for Consular Services.

In reply to Sir CHARLES W. DILKE,

MR. BOURKE said, that the appointment of a Chief Justice of China and Japan was still under consideration.

MR. EVELYN ASHLEY called attention to the importance of appointing a Consul at Massowah, where a representative of England formerly was stationed. A great sea trade went on from the ports since the Egyptian Government had extended its dominions to the Red Sea, and he thought it of great importance to this country to know what was going on in Abyssinia and the neighbouring countries.

MR. BOURKE concurred in the importance of appointing a Consul at Massowah, which, after inquiry, had been decided to be the best place for a Consul on that part of the coast of the Red Sea.

Vote *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £53,176, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies."

MR. GOLDSMID urged that full information concerning the state of these Colonies ought to be laid before the House with the Estimates, in order that it might know what it was doing. Especially the House ought to be informed whether the revenue was pro-

Mr. Hayter

gressive or not, and what was the condition generally of the Colonial revenues in those cases in which grants in aid were asked for.

MR. ERRINGTON observed, that it was difficult to calculate the expenditure that took place in the Colonies, as there was no mention of it in the Army Estimates. He thought the House should be informed upon that subject. Last year the military expenditure at Barbadoes was not less than £100,000, and the events that then took place in that Island must have greatly increased it. It was very objectionable that the House should not be in possession of information as to the nature of Colonial expenditure.

MR. J. LOWTHER said, that certain expenses incurred on Imperial account were charged to the Imperial Exchequer, but military expenses for local services were charged to the Colonies themselves. The item of £3,000 odd charged in the Malta account represented, of course, a very small proportion of the military expenditure incurred in the Island, but was paid on local account as a portion of the police estimate. This was a very moderate sum for keeping order in the Island. As regarded information to be given to the House, it should be understood that the Estimates were laid on the Table in February last, and the Supplemental Estimates at the end of the following month.

MR. SHAW LEFEVRE said, he had hoped that the Under Secretary would have given the House some account of the financial position of Fiji. The sum of £30,000 was proposed to be taken in aid of Fiji in these Estimates, and £35,000 was taken last year. From private information he was aware that there had been a remarkable increase in the revenue of that country, but he should like to know from the mouth of the Home Secretary whether this was the case.

SIR CHARLES W. DILKE said, he was glad to hear of the improved state of Fiji, but it would be more satisfactory if the information came from the Government. The Papers last presented to the House only showed that the Colony was in a state of hopeless bankruptcy. It was feared last year that a war would break out in Fiji, and those fears had been realized. They should, he thought,

have some explanation as to that war, and as to the fact the forces employed by the Governor had been commanded by Mr. Gordon, a civilian and secretary to the Governor. In order to obtain that explanation, he would move the reduction of the Vote by £30,000.

Motion made, and Question proposed,

"That a sum, not exceeding £23,176, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, in aid of Colonial Local Revenue, and for the Salaries and Allowances of Governors, &c., and for other Expenses in certain Colonies."—(*Sir Charles W. Dilke.*)

MR. J. LOWTHER said, he was happy to be able to confirm the statement of the hon. Member for Reading (Mr. Shaw Lefevre), that there was a very good prospect of a considerable improvement taking place in the revenues of Fiji. No doubt the position of the Colony last year was such as to cause some anxiety, but recent accounts showed that there had been a great improvement. He explained that £25,000 was required this year in aid of the local revenues, and that the other £5,000 was wanted to meet charges arising out of an Act passed by the House with general acclamation for the protection of the labour traffic; but expressed a hope that another year it might not be necessary to ask for a grant. The war to which reference had been made by the hon. Baronet (Sir Charles Dilke) was unavoidable, having been brought about by the attacks made upon friendly Natives by hostile tribes in the interior of the country. The fact that the chief command on that occasion was confided to a civilian did not escape the notice of Lord Carnarvon, and the explanation tendered was that the force employed against the Natives was a civilian force, consisting of police and volunteers, and that as there was a difficulty in the way of obtaining the services of an officer of the Regular Army, and there was no very able strategist to contend against, the command was entrusted to a very energetic and able official who was on the spot, and who conducted the operations to a successful issue. Owing to the exertions of Sir Arthur Gordon, the labour traffic had been brought within a very narrow compass, and nothing approximating to domestic slavery existed in the Colony.

MR. CHILDERS asked what was the revenue and expenditure of Fiji last year; what were the estimates this year of the revenue and expenditure; and what was the total indebtedness of the Colony to this country at the present moment?

MR. J. LOWTHER said, that unfortunately the estimated revenue was considerably in excess of the sum obtained, the discrepancy being caused by the epidemic of measles which broke out soon after the establishment of the Colony. It was, therefore, found necessary to apply to Parliament for £35,000. As regarded the total indebtedness and expenditure of last year, he had not the figures with him, but he would undertake to produce them on the Report. As regarded the expenditure for the present year he could only give round numbers, as there was great difficulty in getting statistics from a new Colony like Fiji.

MR. JOHN BRIGHT wished to ask the hon. Gentleman a question with regard to what he had called the war in which Mr. Gordon led the resisting force. He did not know whether it could be called a war or not, but it was a disturbance of some kind. But, after it was over, he judged from the reports in the newspapers that there was rather an extreme measure taken in the execution of some savages. He did not know whether they were hanged or shot, or by whose orders, or under what law or after what trial. But it appeared to him, judging from the newspaper reports, to have been a very singular and a very severe measure, and he thought the House ought to have some information upon it. The Colonial Office must have received some special account of a transaction of so serious a nature, and he wished to ask the hon. Gentleman whether he would be kind enough to lay the Papers on the Table, together with the Correspondence which had taken place with regard to the employment of Mr. Gordon in a military capacity? He thought the whole matter should be laid before Parliament.

MR. J. LOWTHER said, he should have much pleasure in laying upon the Table all the despatches with reference to this matter. As regarded the execution of the persons mentioned by the right hon. Gentleman the Member for Birmingham, it was an act which Sir

Arthur Gordon represented to be one of absolute necessity, but one which Sir Arthur Gordon, nevertheless, deeply regretted.

MR. SHAW LEFEVRE wished to know whether it was not a fact that the reason these people had been executed was they had not only been taken in open rebellion against the Queen's authority, but that they had committed the most revolting crimes of murder and cannibalism.

MR. GOLDSMID wished to know what was the revenue last year of the Island of Fiji and what the expenditure. He thought further information was necessary, or they would have to endeavour to postpone the Vote.

MR. J. LOWTHER said, he had not the figures by him, but he would produce them on Report. With reference to the question of the hon. Member for Reading (Mr. Shaw Lefevre), there could be no doubt that the persons executed had been guilty of very serious atrocities, but he could not say whether they had been guilty of the particular atrocity mentioned.

MR. JOHN BRIGHT said, it must not be understood that he made any charge against Sir Arthur Gordon. He had known him for many years, and he was the very last person whom he should think capable of doing anything very severe. He (Mr. Bright) thought, however, that this was a case in regard to which we ought to have further information. These savages were said to be guilty of a crime because they had eaten their prisoners. Well, that was merely a habit of the country. It had been so for a long time, and he did not believe there was anything in our law to put a man to death on account of that.

MR. GORST hoped the Committee would insist on having further information as to the execution of these unfortunate people in Fiji. These men, no doubt, were cannibals. The right hon. Gentleman the Member for Birmingham's remark had been received with laughter; but, after all, we had no right to execute men merely because they did what their ancestors had done for generations. It might be a very good reason for introducing civilization into the country, but it was not a reason why they should execute these men.

THE CHANCELLOR OF THE EXCHEQUER pointed out that the Committee

were drifting into an inconvenient discussion of a matter of serious importance. In the course of this conversation some expressions had been used which ought not to be employed in discussing so grave a subject. The Government had not at the present moment the Papers which were asked for. He felt, however, that the question put by the right hon. Gentleman the Member for Birmingham ought to be fairly answered, and that a full explanation ought to be given on the subject. No one who was acquainted with Sir Arthur Gordon could doubt that when any matter in which his administration was challenged was brought under the notice of Parliament, it would be found that he had acted with that statesman-like ability which distinguished him. But the House was really talking of matters in the dark. Nothing could be more mischievous than that such delicate questions referring to the relations of the British power to Native races should be thus discussed. He would therefore suggest that the Report of this Vote should be a distinct Report, and should be taken on a day sufficiently distant to allow of the Papers being produced or information given.

MR. SHAW LEFEVRE wished to correct the hon. and learned Member for Chatham (Mr. Gorst) in one particular. The Natives who had been described as rebels were so actually, as they had accepted the British authority and had lived under it for some months.

MR. HERMON pressed the hon. Member for Chelsea to withdraw his Amendment upon the understanding that the Vote should also be deferred.

MR. J. LOWTHER said, he should be happy to postpone the Vote.

MR. PARNELL hoped that full details would be afforded of the executions of these people, as he knew of instances where men had been cruelly executed nearer home than Fiji.

SIR CHARLES W. DILKE, in withdrawing his Amendment, said, that he had alluded only to the financial condition of the Colony.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(16.) £2,044, to complete the sum for the Orange River Territory and St. Helena, *agreed to*.

(17.) £5,642, to complete the sum for the Suppression of the Slave Trade, *agreed to*.

(18.) £11,537, to complete the sum for Tonnage Bounties, &c. and Liberated African Department, *agreed to*.

(19.) £1,742, to complete the sum for Emigration, *agreed to*.

(20.) £1,170, to complete the sum for the Suez Canal (British Directors).

In reply to Sir JOHN LUBBOCK,

MR. W. H. SMITH said, it was true that certain payments were made for the British directors, who did not reside in Paris; but it was the duty of those gentlemen to travel from London to Paris from time to time to attend all the meetings of the Board, in order fully to represent the interests of this country, and that duty they discharged. The whole arrangement had been explained by his right hon. Friend (the Chancellor of the Exchequer) when the Bill relating to the Suez Canal purchase was passing through Parliament, and when the original Estimate was taken for that service.

MR. MONK wished to ask whether the nominal value of the shares of 500 francs each, which were held by the Government, would, when drawn, be paid to this country? If so, would this country cease to have an interest in the Suez Canal as soon as the last share had been paid off, or what interest would it still have in the property?

THE CHANCELLOR OF THE EXCHEQUER said, the question was one of importance, and one which, of course, deserved notice. It was, however, rather a complicated matter. The shares which were held generally by the Suez Canal Company were liable to be paid off in time, according to drawings, and that would naturally apply to all the shares. But the shares which had belonged to the Khedive of Egypt, and which were afterwards purchased by Her Majesty's Government, stood in a peculiar position, because they had been mortgaged, in a certain sense, and handed over to the Company, the coupons being cut off for a certain number of years. Those coupons had been applied to form a new fund called *délégations*, and the *délégués*—the persons who purchased those *délégations*—were interested in the proceeds of those shares as long as they

should continue. Then the question arose, what was to happen if any of those shares which had been so placed in a peculiar position were drawn among the shares which had to be paid off? There was a provision, he believed, that any person who was paid off should retain his right of voting in respect of the shares, though he was not quite sure as to that. But that did not affect the shares of the British Government. If one of the shares with the coupons cut off was paid off, the British Government would receive the value of the share, and that would be more than they had bargained for when they bought the shares, and the *délégataires* would have less profit than they stipulated to obtain. The provision made was of this nature:—The share was paid off, and the amount was placed to an account, which was under the control of the British Government; but the British Government did not receive the interest on the share so paid off until the expiration of the time for which the coupons were cut off, and during that time the proceeds went to the *délégataire*. At the end of the time the British Government would receive the capital, which was placed in British securities, and in the names of British officials, so that it would be impossible that the money should be lost to the nation. The arrangement was somewhat complicated, and it was rather difficult to make it clear to the Committee off-hand.

MR. CHILDERS asked whether the Government were aware, when they purchased those shares, that they were liable to be paid off?

THE CHANCELLOR OF THE EXCHEQUER: Yes.

MR. MONK: I wish to know this. At the end of the period when all those shares have been drawn, what interest will the British Government have in the Suez Canal; or will it continue to have any interest in the Canal?

THE CHANCELLOR OF THE EXCHEQUER: The shares and profits equal to the shares which the stock represents.

Vote agreed to.

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER SERVICES.

The Chancellor of the Exchequer

(21.) £254,011, to complete the sum for Superannuations and Retired Allowances.

MR. RYLANDS called attention to the growing amount of these allowances, expressing his belief that if these heavy charges were allowed to continue, they would give rise to a very considerable amount of public discontent. He complained that under the existing system of retiring and superannuating officials a large number of persons were struck off from duties which they were still quite able to perform, and paid large sums of public money for which they did not continue to render any public service. He thought the time had come when this Vote must be dealt with in a vigorous manner.

MR. CHILDERS remarked upon the enormous amount of retirement from the Survey Department, while there was no diminution of the Vote for the service of the United Kingdom. A large number of those officers were retired, and the charge for their retirement amounted to several thousands of pounds. He found by the Estimate for the Office of Works that 15 or 16 gentlemen had been compensated at a total charge of £3,000 a-year without any reduction at all having been made in the Department.

MR. W. H. SMITH said, he had little control over this Vote for superannuation allowances. He might, however, explain to the Committee that, in the course of time, offices became burdened with an unsuitable class of public servants. The right hon. Gentleman opposite (Mr. Childers), when First Lord of the Admiralty, had occasion to recommend a reduction in the staff of that Department, and that reduction involved a serious charge upon the superannuation Vote. These changes were requisite for the maintenance of the efficiency of the public service. He might, however, add, that whenever a man was found capable of doing his work, the Treasury recalled him to public service, and if he did not answer to that recall he forfeited his pension. It became necessary to take up a re-organization of the Office of Works, and a sensible decrease would be found of salaries and wages in the Vote for that Office, while he believed there was no deficiency in the work done there. A large number of officers of that Department had to be

retired. The Chairman of the Inland Revenue recommended the alterations.

Vote agreed to.

(22.) £19,600, to complete the sum for the Merchant Seamen's Fund, Pensions, &c., *agreed to.*

(23.) £22,500, to complete the sum for the Relief of Distressed British Seamen Abroad, *agreed to.*

(24.) £11,404, to complete the sum for Hospitals and Infirmaries, Ireland, *agreed to.*

(25.) £2,741, to complete the sum for Miscellaneous Charitable Allowances, &c. Great Britain, *agreed to.*

(26.) £2,762, to complete the sum for Miscellaneous Charitable and other Allowances, Ireland, *agreed to.*

(27.) £2,700, to complete the sum for Commutation of Annuities, *agreed to.*

CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.

(28.) £12,969, to complete the sum for Temporary Commissions, *agreed to.*

(29.) £6,045, to complete the sum for Miscellaneous Expenses.

MR. CHILDERS expressed a hope that the Government would see their way to the appointment of a sufficiently influential Commission whose investigation might lead to the abolition of the whole of the existing absurd system under which fees were paid.

MR. DILLWYN drew attention to the great increase in the charge for robes, collars, badges, &c., for the Knights of the several Orders, which amounted this year to £4,240 against £1,800 last year.

MR. W. H. SMITH said, he would make it his duty to see before next Session whether some means could not be devised for getting rid of the system referred to by the right hon. Member for Pontefract.

Vote agreed to.

Resolutions to be reported.

REVENUE DEPARTMENTS.

Motion made, and Question proposed,

"That a sum, not exceeding £733,315, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Customs Department."

MR. O'SULLIVAN said, that there were more Boards of Customs than were necessary, with the exception of Liverpool, Glasgow, Dublin, and a few other places. One Board, with fewer officers, was quite equal to the discharge of the greater part of the duties, the others being relegated to the Board of Inland Revenue. He moved the reduction of the Vote by the sum of £974,215. He might mention that he had proofs in his hand to show that the racking off of spirits in bond caused a loss to the Government of £200,000, though the Chancellor of the Exchequer only admitted a loss of £13,000. All this would be avoided if all the work was carried out under one Board; but the system of gauging in the Customs was quite different from that carried out under the Board of Inland Revenue, which was the principal cause of loss to the revenue of the country.

THE CHAIRMAN pointed out that the hon. Member had moved to reduce the Vote now asked for by a sum largely in excess of the Vote itself, and indicated the irregularity of submitting in this mode a Motion which was tantamount to saying "No" to the whole Vote.

MR. O'SULLIVAN, explaining that he did not challenge the entire Vote, moved its reduction by the sum of £700,000 to raise the question.

Motion made, and Question proposed,

"That a sum, not exceeding £33,315, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Expenses of the Customs Department."—(*Mr. O'Sullivan.*)

MR. W. H. SMITH observed that the question raised by the hon. Member was a very large one, involving the abolition of one of the two great Departments of the Customs and the Inland Revenue. He was far from saying that it would not be possible for the Customs Department to perform many of the duties of the Inland Revenue Department, or for the Inland Revenue to perform some of the duties of the Customs Department; but the question was of too extensive a character to be summarily disposed of. It had already engaged the attention of successive Governments for many years; and it had been the earnest desire of

Government to employ as few hands as possible consistently with the efficiency of the Public Service; but, meanwhile, he did not think the present was a convenient time to discuss the question which the hon. Member had put before the Committee.

MR. PARNELL dissented from the view that that was not a proper time for discussing the question.

It being ten minutes before Seven of the clock, the Debate stood adjourned.

Resolutions to be reported *To-morrow*;

Committee also report Progress; to sit again *To-morrow*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

TURKISH LOAN (1854).—RESOLUTION.

MR. RUSSELL GURNEY rose to call the attention of the House to the circumstances under which the Turkish Loan of 1854 was subscribed for; and to move—

"That, in the opinion of this House, the honourable obligations contracted in 1854 by the allied Governments of England and France towards the Turkish Bondholders of that year, will not permit a lengthened acquiescence of the British Government in the unsatisfactory reply received from the Ottoman Porte,"

when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 18th July, 1877.

MINUTES.]—SUPPLY—considered in Committee — CIVIL SERVICE ESTIMATES — Resolutions [July 17] reported.

PUBLIC BILLS — Ordered — First Reading — Valuation of Lands and Hereditaments * [256].

Mr. W. H. Smith

Second Reading—Intoxicating Liquors (Ireland), [37], *put off*; Intoxicating Liquors (Licensing Boards) * [24], *put off*; Registration of Leases (Scotland) Act (1857) Amendment * [246].

Committee — Report — Married Women's Property (Scotland) (*re-comm.*) * [169].

Third Reading—Gas and Water Orders Confirmation (Abingdon, &c.) * [235]; Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) * [237]; Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) * [238], and *passed*.

Withdrawn—Sale of Intoxicating Liquors on Sunday * [83]; Irish Peasage * [119]; Public Parks (Scotland) * [111].

ORDERS OF THE DAY.

INTOXICATING LIQUORS (IRELAND) BILL.—[Bill 37.]

(*Mr. Sullivan, Mr. Dease.*)

SECOND READING.

Order for Second Reading read.

MR. CALLAN said, he rose on a point of Order. He found in the Order Book that leave was given on the 9th of February—the second day of the Session—for the introduction of a Bill intituled "Intoxicating Liquors (Ireland) Bill, for the regulation of the sale of Intoxicating Liquors in Ireland," and the same day the Bill was read a first time. It was necessary to call attention to the fact, that in the Session of 1874 a Bill was introduced by the same hon. Member, intituled "Intoxicating Liquors (Ireland) Bill," the Preamble of which ran thus—

"Whereas, it is expedient to amend the Laws relating to the common sale of Intoxicating Liquors in Ireland."

That Bill was not read a second time; but in 1875 an exactly similar Bill was introduced, the only difference being a Schedule which corrected an omission of the draftsman, who had not altered the date of the Bill from 1874 to 1875. Without any intimation whatever as to the provisions of the Bill, leave was this year again obtained for the introduction of the Intoxicating Liquors (Ireland) Bill. Now, the practice of the House on these points was worthy of attention. When a Bill was introduced and read a first time it was not generally printed, but the Clerk at the Table took the title from the hon. Member introducing it, and it remained a dummy, until it was

convenient to have it printed. Technically speaking, he believed the hon. Member who introduced the Bill was within the strict rule of the House, but he would ask the Speaker whether he thought it was not desirable that the practice of introducing Bills under a title which tended rather to mislead than to enlighten the House should be allowed. The second reading of the Bill was fixed for the 18th July, and the printed Bill was not delivered at the Public Bill Office till the 10th of July. [MR. FAWCETT: Hear, hear!] He was glad to hear that cheer from the hon. Member for Hackney, who probably had a vivid recollection of the debate on a Bill of his own on a somewhat similar point. He had heard rumours in the Lobby; but the first distinct intimation he received that this Bill was substantially different from the Bill introduced under the same title in previous Sessions was conveyed in a telegram sent to him on the 12th of July. It was as follows:—

“*The Irish Times* of this morning publishes a Bill introduced by Mr. Sullivan for closing public houses from 7 o'clock on Saturday evening, and the second reading of that Bill is fixed for Wednesday next. No Notice whatever has been given of any such Bill. Is it not an abuse of the forms of the House to conceal the real object of a Bill under a misleading title?”

The delivery of the Bill on Friday last came upon him with the same sort of surprise as experienced in youth when opening the well-known toy called “Jack-in-the-box;” and remembering that a different Bill with the same title had been introduced in 1874 and 1875, he thought it worth while to consider whether it was right that such a Bill should be launched upon the House for the first time within a month of the end of the Session, and five months after its introduction and the Order made for its being printed. It was a serious question in the interest of the House generally whether the practice should not be restricted; and he thought that the ruling of the Speaker would be such as would, while maintaining the privileges of private Members, at least prevent their abuse. They remembered the question, under which King, Bezonian, &c.? He might ask, under which of the three Bills was the real object to be found? But, perhaps, he should rather say that another illustration would apply more aptly—namely, that of the three thim-

bles and the pea, and it might be asked under which of the thimbles was the pea? He thought that the practice of the House was laid down as long ago as 1850, when the then Speaker ruled that it was not competent for a Member to make other than a clerical alteration in a Bill that had been read a first time; and in the case of the hon. Member for Hackney (Mr. Fawcett), a bold and straightforward avowal had been made by the hon. Gentleman, that between the first and second readings a series of material alterations had been made in the Bill; so that was a difference in the two cases. In March, 1873, it was ruled by the Speaker in the case of the hon. Member for Hackney, that there was no principle more clearly laid down in that House than that when a Member had introduced a Bill into that House, it ceased to be in that Member's hands, and passed into the possession of the House. No essential alteration of the Bill might afterwards be made except by the distinct order of the House. It was clearly established that no alterations could be introduced into a Bill that were inconsistent with its general character, and the proper course to take when it was desired to make an essential alteration in a Bill, was to ask leave of the House to withdraw the Bill and to proceed with another. The hon. Member for Hackney, accordingly, had to follow that course. *The Daily News* said that nothing would have been heard, at least this Session, of the Bill of the hon. and learned Member for Louth, but for the obstructive conduct of those who had succeeded in arresting the progress of the Bill of the hon. Member for Londonderry (Mr. R. Smyth). The hon. and learned Member for Louth had not stated that his Bill was not substantially the same as it was when introduced, or it would have come within the rule already quoted; but as it was, he had sprung a mine in the House in a manner which, though it might be technically correct, induced him to call attention to the peculiar circumstances of the case, and to ask, whether what was done was consistent with the Rules of the House?

MR. SULLIVAN said, he would dispose of what he had to say in a few minutes, though it had taken the hon. Member for Dundalk (Mr. Callan) 20 minutes to make a speech to show that he had been taken by surprise. The

House, he hoped, would bear with him, for it knew that he never troubled it to answer a speech of the hon. Member for Dundalk. Now, in what had the hon. Member been surprised? He did not say whether it was pleasurable or otherwise; but he considered that this was an extreme measure, and one of severity, and that he (Mr. Sullivan) had cut the Bill to a single issue.

MR. CALLAN, interrupting, said, he had made no such charge. He conceived that the Bills of 1874 and 1875 contained no reference to Saturday closing.

MR. SULLIVAN said, he expected the hon. Member to writhe and try to interrupt. The Bill did not go beyond their Order of Leave. If it did, he would withdraw it, and apologize for having unwittingly erred. Every Bill must have a heading, and in heading this Bill no surprise had been intended, and no misuse of the Forms of the House had been made. It was observed that during the late discussions on the Bill of the hon. Member for Londonderry, a suggestion constantly made by its opponents was that the houses should be closed earlier on Saturdays, and that was all the Bill proposed. He was himself prepared to support a deeper and broader measure. He had been under the impression that before printing the Bill, any alteration which was not inconsistent with the scope and object of it might be made in it. It was said, why was it not printed earlier? Well, the fact was he did not wish to print the Bill until he saw whether the Sunday Closing Bill would pass or not, and when he saw there was no chance of that being done, he pursued his own course with this Bill. He denied that the Forms of the House had been infringed in the least.

SIR MICHAEL HICKS - BEACH said, he wished to call attention to the inconvenience of the course pursued by the hon. and learned Member for Louth in withholding the printed copy of the Bill until the 10th July, the Bill being introduced on the 9th February. That was not the only instance of a Bill relating to Ireland which had been read a first time at the commencement of the Session having been kept out of the hands of the printer until the Session had virtually come to an end. It would, he thought, be admitted that

such a practice was calculated to give rise to a great deal of inconvenience, and ought to be discontinued. The hon. and learned Member for Louth, in his explanation, had not touched the main objection of the hon. Member for Dundalk, which was not that the Bill was different from that of 1874 and 1875, but that it was not the Bill which was read a first time in February last, and it was for the Speaker to decide the point, and to say whether the hon. and learned Member was bound by that title. The fact was, that in preceding Sessions a Bill had been introduced which might be described as an Irish Permissive Bill; but the present Bill was one of which the main clause shortened the hours during which public-houses were to be open on Saturday nights. The other nine clauses were copied *verbatim* from clauses introduced into the Sunday Closing Bill by the Select Committee; and as those clauses were not in existence in February last, it might be safely inferred that they were not part of the measure as then introduced by the hon. and learned Member, as he could not possibly have been acquainted with them. If that were the case, then it was a question whether the hon. and learned Member was now in Order in moving its second reading.

MR. SULLIVAN said, the clauses referred to had been introduced for the convenience of the right hon. Baronet the Chief Secretary, who had suggested that they might be desirable for police purposes, for the purpose of putting a stop to drunkenness.

MR. CALLAN submitted that the hon. and learned Member for Louth, in the statement he had just made, admitted that he had altered the framework of his Bill since it had been read a first time, and he therefore submitted that he came within the Speaker's ruling in respect to the hon. Member for Hackney's (Mr. Fawcett's) Bill laid down in March, 1873. It was clear that these clauses were not in the Bill when it was read a first time in February last.

MR. O'SULLIVAN said, there was an essential difference between the present Bill of the hon. and learned Member for Louth and that of former years. The former Bills repealed all the licensing laws, so that any old woman who kept

Mr. Sullivan

an apple stall might sell intoxicating liquors. This Bill, however, was most restrictive. Under it no one but a licensed person was to sell intoxicating liquors, but not after 7 o'clock in the evening. Hon. Members opposed to such restrictions had been taken by surprise, and it could not be called treating the persons affected by the change fairly, without giving them an opportunity of expressing their views on the subject, which could not be done if the Bill was forced on this Session.

SIR COLMAN O'LOGHLEN rose to Order, and asked that the discussion should be terminated by the announcement of the Speaker's ruling.

MR. M'CARTHY DOWNING said, that though this practice in printing Bills had obtained, yet that was the first time that a Member of the Government had complained of it. It would be a matter of regret if the decision were in favour of the hon. Member for Dundalk. He was sorry that such tactics should have been resorted to to defeat a measure which had been so long before the country. ["No, no!"]

MR. SPEAKER called the hon. Member (Mr. M'Carthy Downing) to Order. He said, he found that the hon. and learned Member for Louth (Mr. Sullivan) obtained leave to bring in his Bill on the 9th of February, and that it was not delivered into the hands of hon. Members until the 12th of July—five months afterwards. The attention of the House having been drawn to this delay, he was bound to say that every hon. Member who obtained leave to bring in a Bill was bound without loss of time to lay it before the House as soon as he reasonably could. That so long an interval as five months should have been allowed to intervene between the first reading of the Bill and its delivery to hon. Members was a practice much to be deprecated. His attention had also been drawn by the hon. Member for Dundalk (Mr. Callan) to the fact that the hon. and learned Member for Louth having obtained leave on former occasions introduced Bills with the same titles as this, and that the present measure differed from them as introduced. He was bound to say that if the hon. and learned Member for Louth thought, while retaining the title, that by the alteration proposed he might make his Bill more acceptable to the House he was entitled

to do so. Having regard to the whole of the circumstances of the case, he did not see that the hon. and learned Member for Louth was out of Order in submitting his Bill to the House. At the same time, he felt that it was his duty to decidedly mark the objectionable practice of so long a delay occurring between the introduction and the delivery of a Bill.

MR. NORWOOD said, the question involved was one of great importance to the House. All the irregularity had arisen from the practice of hon. Members introducing measures without any explanation of their drift or purpose, a practice which did not exist when he entered Parliament.

MR. M'CARTHY DOWNING rose to Order, and asked if it were competent for the hon. Member for Hull to raise that question?

MR. SPEAKER said, that, having given his decision, it only now remained for him to call on the hon. and learned Gentleman who had charge of the Bill to proceed with the Motion for the second reading.

MR. SULLIVAN, in moving that the Bill be now read a second time, said: I am sorry that the Bill has been encountered by the obstructive tactics that have already consumed half-an-hour of the time of the House. But before I proceed to state the nature of the Bill, I wish to call attention to a circumstance that has taken place this afternoon with respect to it. There are several hon. Members in the House at the present moment who have complained that not alone moral persuasion, which might have been fair, has been used to prevent their entering the House, but that hands have been laid upon them in the Lobby in order to prevent their coming in to make a House, so that the Speaker might take the Chair. A number of hon. Members were standing outside in the Hall, and two of them were Members of the Government, right hon. and otherwise. I did not see the face of the Home Secretary at all until the Speaker had taken the Chair, but I understand that the right hon. Gentleman was in the Lobby; neither did I see the right hon. Gentleman the Chief Secretary for Ireland in his place, until after the House had been made, though he was also in the Lobby. It is not my intention to occupy the time of the House at

The gentleman, after this, however, was in an awkward position, and I think hon. Gentlemen who opposed the Sunday Closing Bill to-day find themselves in a critical position with respect to my Bill. They are brought to the proof whether the suggestions of Saturday closing have been made in good faith or not, and it remains to be seen whether they will now oppose the proposal which they have made all along. My hon. Friend the Member for the City of Dublin (Mr. Brooks) ought to have brought in the Bill, for he claims the credit of being the Member who has been trying to establish earlier closing on Saturday. In a letter to one of his constituents, he says—

“If there are to be other restrictions on the sale of intoxicating drinks than those which now exist, it is clearly shown they should not be confined to Sundays, nor to the unenfranchised classes of society.”

He further says—

“I cannot understand those who take so much interest in this Bill and who so persistently refuse to join in my efforts rather to restrict the hours of sale on Saturday.”

MR. M. BROOKS: Be good enough to read the passage fully.

MR. SULLIVAN: My hon. Friend proceeded to say—

“The evil arising from the abuse of drink cannot be overrated. May we not hope that the efforts of those benevolent persons who promote this Bill may be directed to the spread of religion and education as means of reform more truly efficacious than this bald and naked measure of police?”

That is contained in a letter creditable to my hon. Friend, and thoroughly consistent with his support of Saturday evening and Sunday closing. [Mr. Brooks: No, no!] The hon. Gentleman in that letter complained that he was not supported in his efforts to close the public-houses on Saturday nights, but I am prepared to give him my support, and I claim the hon. Member's vote on this Bill. This is a Saturday closing Bill, and I hope you will not class me among the fanatics who refuse to strive for anything which is not a settlement of the whole question. Mr. Dwyer, as I have said, gave evidence before the Committee in favour of closing at an earlier hour on Saturday evenings, and Mr. Charles O'Donel, a police magistrate of the City of Dublin,

who ought to know something about this subject, says—

“I am against Sunday closing, but I unhesitatingly say, close by all means earlier on Saturday. At present the hour is 11, and as it would be better not to do the thing too violently, I should say 8 o'clock in summer and 7 in winter.”

I think I can satisfy the House that unless these suggestions are insincere, and simply meant for the purpose of diverting us from doing anything I ought to have a unanimous vote. [Mr. MURPHY: Will the hon. Gentleman read more of Mr. O'Donel's evidence?] No one is better able to make a good speech than my hon. Friend, as we had an ample illustration the other day, though unfortunately it was on the wrong side of the question; but, perhaps, he will allow me to make my own statement without interruption. The Publicans' Association of Dublin brought forward witnesses from some of the trade societies—only some of them, most of whom said—“Although we won't have Sunday closing, we ask you to deal with the question of the earlier closing on Saturday night.” Monsignor M'Cabe, who had since been raised to the Episcopal purple in the Roman Catholic Church, gave evidence before the Select Committee in 1868, to the effect that, whilst opposed to Sunday closing, he was strongly of opinion that a great deal of the misery due to intemperance was to be attributed to the Saturday evening drinking, and advised that the public-houses should be closed at 9 o'clock on Saturdays. The Mayor of Limerick stated that he would not have the public-houses open later than 6 o'clock on Saturday evenings in winter and 7 in summer. Dr. O'Shaughnessy, the father of the hon. Member for the city of Limerick, advised the closing of public-houses at 8 o'clock. Mr. Barry, inspector of Constabulary at Cork. Mr. O'Halloran, and others, were all strongly in favour of the restriction of the hours of closing on Saturday. No single witness suggested that it would do harm to close earlier than at present on Saturday night. Therefore, the present measure is brought forward broadly on its merits. It is no substitute for a Sunday Closing Bill. It will be entirely for those who believe that this would cure the evil to show that having passed the measure there would be no necessity

for Sunday closing, and that it would take the life out of that agitation that is about to be prosecuted in Ireland during the Recess with regard to Sunday closing, and in reference to the challenge as to what evidence the Irish people will give between this Session and next. I believe the Irish people will be intelligent enough to understand the attitude taken by hon. Members. They will scrutinize the various suggestions which have been made to close earlier on Saturdays, and will make a frank acknowledgment of the good faith of hon. Members who intend to support the Bill to-day. I can only say that the Sunday Closing Association would be blind to its own interest if it did not know how to turn to good account in the Recess the attitude taken by those who have obstructed us hitherto. We have endeavoured, some hon. Members may think in a wrong direction, to grapple with this question Session after Session, and although we are called fanatics and monomaniacs, and charged with being impulsive, I admit that I myself may sometimes indulge in strong language. We ought to have credit given to us of being able to see a terrible evil wasting our people, tracking our countrymen all over the globe, pursuing them in foreign lands, robbing their wives and children of the sustenance that ought to be theirs, taking the shoes off their feet and the pence out of their pockets that ought to pay the school fees, and keeping poor people day-labourers and hodmen, who ought to be equal to any of the men with whom they are brought in contact. We may be wrong, but there are some of us who have entered upon this agitation from motives of patriotism, and who feel that the emancipation of the people will only be half accomplished until they are rendered sober and temperate. Every year we come here asking relief—now, in one direction; and then, in another. This is the smallest modicum of relief that has yet been asked for, but I hope the House will consent to pass it. I beg to move the second reading of the Bill.

Motion made, and Question proposed,
“That the Bill be now read a second time.”—(*Mr. Sullivan.*)

Mr. SHAW, in moving that the Bill be read a second time that day three months, said, he hoped the House would

not conclude that those who opposed the measure were at all indifferent to the evils of intemperance. They were all as anxious as the hon. and learned Member who brought it forward (Mr. Sullivan) to promote temperance and to secure the comfort and well-being of the people; but they took the liberty of differing with their Friends as to the means by which that object ought to be accomplished. They had a strong opinion that legislation was not the only way, and legislation should not be resorted to, except in aid of moral force. They had on the Paper to-day two other Bills on the same subject referring to England. It would be a pleasing variety if they were to hear their English Friends discuss the question. So far they had nothing but Irish Sunday closing, Irish Saturday closing, and Irish temperance for the whole Session. They were thoroughly wearied of it, and should like the introduction of some variety. His principal objection to the present Bill was as to the time it was introduced. He attached no importance to the suggestion of his hon. Friend the Member for Dundalk (Mr. Callan), that they had been taken by surprise. His hon. and learned Friend the Member for Louth had a perfect right to improve his Bill and make it more acceptable to the House. At the same time, he was not prepared to say that a Bill introduced on the 9th of February, and circulated only on the 12th of July, might not have been a surprise for some people. It was no surprise, however, to him, but he could not help saying that this measure would affect a very large interest, and that many persons representing that interest did not expect that ever a measure would be introduced under the title of this Bill. It was, therefore, on that ground a very great surprise to many people in Ireland. The feeling of the House was, that vested interests should be fairly dealt with, but that could not be done now. Another objection he had was, that there was not the slightest possibility of passing the Bill into law that Session. Was that a time of the Session when they could expect to pass such a Bill? If the Government took it up and adopted it, he did not think they could possibly pass it that Session. He did not really object to the principle of the Bill. As a large employer of labour in Ireland, he

Mr. Sullivan

believed that the efforts which had been made to shorten the hours on Sunday had been attended with great benefit. He also thought that there would be advantage in shortening the hours on Saturday; but it was impossible at that period of the Session, with the present accumulation of Business, to go into the question and weigh and balance the various interests affected by the Bill. He would, therefore, appeal to his hon. and learned Friend not to press the Bill that Session, and in that case he thought it would be the duty of the Government to take up the question next year, and deal with it as a whole—though he did not suppose it was their duty to do it, as perhaps they preferred to see Irish Members worry themselves and each other upon the question. They occupied a position which was not possessed by private Members; and although personally he was in favour of shortening the hours both on Saturday and Sunday, he would not violently legislate against the habits and feelings of the people. Whatever measure they proposed must be tentative. Undue haste would only create more evils, and if they put off the question for another year, the Government in the Recess would be able to consider the subject, and propose a satisfactory settlement next Session. The Petitions which had been presented in favour of the Sunday Closing Bill came from very good people—the cream of them, he might say; but the same people would petition against the payment of any money to Maynooth, and in favour of closing monasteries and nunneries. The question with which the Bill proposed to deal was a most important one. It was one that affected the interest of the poor, and was for the benefit of the poor; but he was not in favour of any legislation that would deprive a man of his good and healthful glass of beer. A proper measure on the subject could not fail to do a great deal of good to the country; but he could not concur in any measure which would shut the poor man out from Saturday to Monday. He maintained that the question was one that should not be left in the hands of an amateur. There were other reasons, too, why this Bill should be withdrawn. He appealed to the Government to bring in a Bill next Session dealing with the whole subject; and as he believed there was no possibility of

bringing the present Bill to a successful issue this year, he felt bound to oppose it, particularly as he considered that a question of such magnitude ought to be dealt with by those who were responsible for the peace and good order of the country, and not by an amateur statesman.

MR. M. BROOKS, in seconding the Motion for the rejection of the Bill, said, he did so, because he believed the measure, if passed, would be found inoperative for the purposes for which it was introduced. It was stated in evidence before the Select Committee that at present, in spite of the supervision of the police, there were a great many illicit drinking-houses in Ireland; he believed the effect of passing this Bill would be to increase the number, and that people would go to them after the licensed public-houses were closed, and would not only be drunkards, but law breakers. Such a measure as this ought to be under the charge of the Government, and he hoped they would bring in a Bill dealing with the whole subject of Sunday closing next year. Should they do so, and the measure be calmly deliberated upon by that House, he would gladly support it. As for the Bill under notice, he believed, if it passed, that worse evils than now prevailed would ensue.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Shaw.*)

MR. CALLAN denied the statement which had been made by the hon. and learned Member for Louth (Mr. Sullivan), that hon. Members had been prevented from entering the House in order that no House should be made. Now, if that were so, it would not only be disrespectful to the Speaker, but a matter for the consideration of the Serjeant-at-Arms. Nothing in the way of force occurred, and all that was attempted was a little gentle persuasion. The hon. and learned Member selected passages from the evidence given by Canon M'Cabe before the Select Committee; but Canon M'Cabe, in answer to a question put to him as to what hour he thought would be desirable to close the public-houses on Saturday night, said, in his opinion, 9 o'clock would be a reasonable hour. But what did the hon. and learned

Member propose in his Bill? Why, he went far beyond what Canon M'Cabe thought a reasonable hour, and proposed 7 o'clock as the hour for closing the houses. The hon. and learned Member also left out the evidence of Captain Corbett, who thought that public-houses might be kept open on Saturday nights to 9 o'clock, and it was considered by other witnesses that half-past 10 o'clock was the most desirable time at which to close the houses; and none of the witnesses recommended that they should be closed at so early an hour as the hon. and learned Member named in his Bill. In conclusion, he would say, that as the subject had been so fully discussed on former occasions, there was not now any necessity for him to mention anything further than to hope that the Bill would be rejected.

MR. M'CARTHY DOWNING, in supporting the Bill, said, there was one part of it in which he was entirely with his hon. and learned Friend the Member for Louth (Mr. Sullivan), and that was the closing of public-houses early on Saturday evening, and shortening the hours on Sunday. If his memory did not fail, he thought that several hon. Members, both English and Irish, had indicated in their speeches on this subject, on a former occasion, that they were prepared, if any hon. Member brought in a Bill for shortening the hours of keeping public-houses open on Saturday and Sunday, to support it. Now, if that were so, he was at a loss to understand why those hon. Members should not have the courage of their opinions, and act up to them on the present occasion, by supporting the Bill of the hon. and learned Member for Louth. He should be surprised to hear any hon. Member speaking against the Bill. His hon. Colleague (Mr. Shaw) had not done so, and the only reason he put forward why the Bill should not now be read a second time was that the House had not sufficient time to discuss and pass such a measure. That undoubtedly would be so, if the Bill were obstructed; but there was time enough, if hon. Members were sincere in their desire to see the Bill become law in Ireland, where the people were in favour of it. He denied that the people of Ireland were a drunken people; but the drunkenness that there existed was in a great measure due to the drinking which, commencing on the

Saturday night, was carried on to the Sunday, and Monday found the artisan unfit for his work.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. M'CARTHY DOWNING resumed, and expressed a hope that the evil which his hon. and learned Friend proposed a remedy to mitigate would be met in a fair spirit. As regarded the possibility of passing it that Session, there was a Bill in Committee, of which he was a Member, and it was only reported yesterday, and the right hon. Gentleman the Chief Secretary for Ireland hoped that that and another measure, which were delayed in progress, would pass that Session. The principle of the Bill of his hon. and learned Friend being admitted to be a right one, why, he asked, did hon. Members hesitate to support it? If there was not an expression of opinion in this country in favour of the Bill, there was a strong one in Ireland. By shortening the hours in which public-houses in Ireland were kept open, they would confer a great benefit on the working classes in Ireland. His hon. and learned Friend had quoted from the evidence given before the Committee, and in a most succinct manner he had quoted from the evidence of the witnesses brought over by the opponents of the Sunday Closing Bill, and there was not one of those witnesses who did not say that early closing on Saturday would be a great benefit to the community. Now, effect was given to that opinion in this Bill standing now for second reading on the 18th of July. He did not know when the House was to be dismissed by Her Majesty; but if the Bill were met in a fair way, there was no difficulty in the way of its becoming the law of the land. But he doubted if the Executive in Ireland, or the Government in England really desired the Bill. If they did desire to pass the Bill, it would be passed; but he apprehended there was some fear that to support the Bill of the hon. and learned Member for Louth would offend a large portion of the constituents of this country. Vested interests was the cry, and vested interests must not be tampered with. But what were these vested interests? No man under the Bill would be deprived of his

Mr. Callan

licence and no additional tax was placed upon him. It was merely this—that the law would not allow him to keep his house open as a snare at a time when he and his family should be in bed. His hon. Friends from Ireland had as much experience upon the subject as he had; but it had been his habit to sit for some time as a magistrate in his county, and he could say that out of a bench of 16 magistrates, there was not one single difference of opinion as to the advantage of closing early on Saturday. Their views differed as to entire Sunday closing. In the small towns of his own county the market day was usually Saturday, and the country people came to the towns in crowds from the surrounding districts to sell their agricultural produce and other commodities. Their goods being sold, the money in their pockets, and the public-houses being before them, they could not resist going into them, and it was then, during the late hours of market day, that the people drank to drunkenness. Both as a magistrate and a grand juror he was able to say the crimes attributed to drunkenness did not arise from drinking in the early part of the day, but from the night drinking, when men after leaving one public-house were on their way attracted by the brilliant lighting up of another. Stop this drinking on Saturday night—confer a boon upon the people of Ireland. The people desired it. It would remove temptation. They would go early from market to their homes and their wives with their money in their pockets. Sunday would be a happy day, and on Monday they would be ready to resume their work. But by public-houses being open in country towns till 10, and in cities till 11, there was a sure snare ready for the unwary countrymen who came into town, a snare set for the injury of his body and mind, as well as an injury to his family. A man who went to bed drunk on Saturday night did not go to a place of worship on a Sunday. While he was opposed to Sunday closing, he gave the Bill his support, and he hoped that English Members would join with Irish Members in offering facilities for its passing, and that the Chief Secretary would prove the sincerity of the Government by doing all he could to ensure its becoming the law of the land.

CAPTAIN NOLAN said, he was glad to see the hon. and learned Member for Louth

(Mr. Sullivan) in his place, as he was about to suggest to him the advisability of not taking a division upon this Bill this year, but that he should wait till next year before doing so. That counsel had been given by the hon. Member for Cork (Mr. Shaw) and by others, who said that hon. Members from Ireland had not had an opportunity of consulting their constituents on the question, and he was in the same position. This was just one of those Bills on which he should have liked to consult those who sent him there, in order to discover whether it was a Bill which had their general approval or not. The Bill was introduced early in the Session, under the title of the *Intoxicating Liquors (Ireland) Bill*; but that title might mean anything. If a Bill with such a title had been introduced under the auspices of the hon. Member for Limerick county (Mr. O'Sullivan), it might be supposed to be a measure regulating the mixing or blending of spirits, or to keep Scotch spirit out of the Irish markets; while from the hon. and learned Member for Louth the Bill might have been supposed to be one prohibiting the sale, or taking off all restrictions in the trade—for he had favoured both propositions. If he (Captain Nolan) had been asked what the Bill meant, as to either, he could not have given any information from the title. Upon the original introduction of the measure, the only idea conveyed to him was that it might mean anything. About a week ago he learned, and probably he was one of the first Members of the House to do so, that it meant the closing of the public-houses in Ireland at 7 o'clock on Saturday evening. What was he to do in that case? He might have scattered copies of the Bill as well as he could, and have written to ask his constituents' opinion upon it; but it would have been thought a strange thing to give them only a week's consideration, and they would naturally have returned the answer—"Why did you not do so a week ago?" On the other hand, had he asked the opinion of his constituents as soon as he became aware of the nature of the measure, he might have got an expression on one side from the teetotallers, and one of a contrary character from the publicans, but the moderate people in his county, whose opinions were worth having, would not have made up their minds on the subject. It was not always an easy matter,

especially in the counties of Ireland, to find out what people wanted, and as this was a Bill peculiarly for the constituencies, he did not know how he should vote on the merits of the question. He considered the Bill, just as the Sunday Closing Bill, one on which they were bound to get the advice of those who would be affected thereby. Hon. Members probably would not have to loiter in public-houses on Sunday or Saturday. They might do so, perhaps, as he had occasionally, but, as a rule, hon. Members would not find any inconvenience from either Bill passing, so far as they were personally concerned, so it was more necessary to get the opinion of the class who, as he had said, would be affected—the farmers, the labourers, and the populations of towns. There was one class of the community which he should have liked to consult on this question—the guides of the people—the clergy. He had not the opportunity of discussing the subject with the Catholic clergy. The opinion there might be in favour of or against the Bill; but as a measure affecting the moral habits of the people, he should like to ask the clergy what they thought about it before giving his vote; so also with the views of the magistracy, who, as having a larger acquaintance with crime, and that which led to crime, than he could possibly possess, were better entitled to express an opinion. He should have liked to have asked all these parties how to vote. They could only have been arrived at by letter, and he had certainly sent letters by post to persons in the county which he represented, but, as they all knew, letters sometimes went astray—and it must be said that communication, in some parts of Ireland, was rather intermittent. The result was that at the present moment he was absolutely without instructions. It would be a different thing if the question were a war Estimate, where a Member had to make up his mind one way or the other on the spur of the moment, and vote hastily either for or against a proposal of that kind without there being time to consult his constituents; but this was a Bill which might have been brought in 10 or 20 years ago, and might as well be introduced next year as this. It was dated to take effect from the 1st October. He had never taken a prominent part in this liquor question,

Captain Nolan

though there were few Irish questions he did not have something to say upon; but upon this subject he had not said a word, and he had no wish to give his vote. If compelled to go to a division, he should probably vote against the Bill this year, but next year he might, perhaps, after consulting his constituents, vote in favour of the Bill, and he did not wish to expose himself to a charge of inconsistency by so doing. Suppose that on the 1st of October people were to find that the Bill had become law, what would happen? Why, in the market town in which he lived, where—as was the case in that part of Ireland referred to by the hon. Member for the county of Cork (Mr. M'Carthy Downing)—the market was held on Saturday, they would be unable to get anything after 7 o'clock. Publicans who had laid in their stores, not expecting a measure of this kind, would naturally feel aggrieved, and they would look upon him in a nice way, if they found he had voted in favour of the measure. Had the question been one of closing the public-houses on Sunday, that would have been different, because the question had been before his constituents for years, and he had seen some 500 or 600 people with reference to it, and had a very fair idea of how his constituency required him to vote, though neither on that, nor on any other subject were they particularly unanimous. However, he had not the faintest notion how they wished him to vote with regard to this Bill. Therefore, he was of opinion that it ought to be laid by till next year, and then, if he found his constituents wished it, he would vote for it with far more pleasure than he should upon the Sunday Closing Bill. He had only one objection to the Sunday Closing Bill, but that objection did not hold in this case. His objection to the former was that it pressed hard upon a portion of people, some 50 or 60, in his county, where it was the habit to set up public-houses near the chapel, and where—he did not know whether it was so in Protestant communities—people, after attending to their religious duties, went not only for refreshment, but in a great number of instances to purchase their week's groceries and small stores. If the public-houses were shut up—for these were generally stores as well—not only would the tradesmen be ruined, but the public

would be very greatly inconvenienced. This was his chief objection to the Sunday Closing Bill, but that was not the question here. No particular class, so far as he was aware, would be very much inconvenienced by this measure, and he, personally, had no objection to it. They must give the promoters the credit of saying that they had pushed it forward with great energy and judgment, though, in his opinion, it would not be a proof of good judgment were they to press it to a division now, because they would force hon. Members to follow the temperance men, and they might find themselves obliged to vote against it this year. But even if it was pressed to a division, he questioned very much whether the second reading would be agreed to. And what was the extraordinary reason given for pressing the Bill forward this Session? He doubted whether, because three or four hon. Members happened to say, in the heat of debate, that public-houses should be closed on Saturday evenings, this Bill would meet the necessities of the case. It would be bad policy on their part to allow this Bill to be passed, as it would establish a precedent which they might have cause to regret hereafter. It would be a precedent for the Government to propose a Bill on any occasion, and ask them at a few days' notice to pass judgment upon it. The House did not want to be asked to pass Bills at a week's notice, without any opportunity being afforded them of consulting their constituents, and asking them to pronounce upon them. They would injure their cause enormously if they asked the House to pass this measure. He hoped his hon. Friends would consent to postpone it till next year, and then the whole subject being before them, they could decide upon the merits of the case. The Sunday Closing Bill affected the rural part of the population, but this Bill would affect the town populations, and it would be easy for the Representatives of towns to ascertain the feelings of their constituents upon it. He hoped, therefore, that the hon. and learned Member for Louth and the junior Member for the county of Cork (Mr. M'Carthy Downing) would not press him to the necessity of voting against the Bill.

Sir WALTER B. BARTTELOT: Sir, I wish to say a few words on this occasion. You, Sir, have ruled with regard

to the point of Order that has been raised, and if you had not so ruled, I should certainly now have raised the question. I am bound to say, first of all, with all respect to the hon. and learned Member for Louth (Mr. Sullivan), that it is a most irregular practice for any man in this House to ballot at the beginning of the Session and to get his name put down for a Bill, which he fixes for some particular day, when at the time that ballot takes place and he puts his name down for a Bill, he has not a notion what the contents of the Bill are to be. That is one of those unconstitutional things that ought not to be tolerated in this House for one moment. I venture to think that when a man intends to bring a Bill before this House, he is bound to know exactly what he intends to bring forward. If I am rightly informed, the hon. and learned Member for Louth has placed in this Bill many clauses which he has copied from the Report of a Select Committee upstairs upon another Bill. But what does the hon. and learned Member do? This Bill is not delivered to hon. Members till the 12th of July, and now, upon the 18th of July, it comes on as the First Order of the Day. That, I think, is absolutely wrong and improper. The hon. and learned Member takes every opportunity of stating the necessity that exists for preventing drunkenness in Ireland, and I, like him and every other hon. Member in this House, are most anxious that drunkenness everywhere should be suppressed; but it cannot be done by law. There must be something far beyond law to suppress drunkenness. Far greater influence must be used over the people of this great country than law to prevent drunkenness. The hon. and learned Member for Louth, although he has spoken often and strongly on this question — although no hon. Member has used stronger language towards the Government than he has done for not giving him what he wanted — has most signally failed in understanding the necessity there is, when any man attempts to bring in a Bill interfering, as this Bill will do, not only with the rights of publicans — because they might be put on one side, if they are in direct opposition to the interests of the people — but, interfering with the rights of the people, he is bound to consider, and ought to have considered, how

such a question as that could be fairly dealt with. Nobody knows better than he does the inconvenience of bringing in Bills of this fragmentary character. First, we are told that Sunday closing is the panacea which is to set everything right in Ireland; but when they are told that it might be advisable to try Sunday closing in certain districts, provided the large towns are left out, they say—"Oh, no; we will not have that at all," and, finding they cannot get what they want, they say they will close on Saturday night, and that that will meet the case. I ask, whether that is not the deliberate opinion of the hon. and learned Member for Louth and those who are acting with him? [Mr. SULLIVAN: No.] The hon. and learned Member shakes his head, but that, at all events, is the course of their action, and therefore I have a right to say that is their deliberate opinion. But look at what will happen now. The hon. and learned Member for Louth, clever as he is, sharp and astute as he is, when investigating and looking into all manner of things, yet fails to appreciate public opinion. Public opinion, so far as I have been able to gather it, is veering round in Ireland, and I will venture to say, whatever the hon. and learned Member may think, that next year he will have far less chance of carrying the Sunday Closing Bill in this House than he has had this year. He thinks the House is not going to pass the Sunday Closing Bill, and so now, at the fag-end of the Session, he will try to close public-houses a greater portion of Saturday evenings. Well, I say, this is not a wise proceeding. If you are going to deal with this question deal with it in a statesmanlike way. At the beginning of next year, bring in a Bill dealing with the liquor question in Ireland, taking Saturday, if you please, with Sunday, and let us discuss it in this House, and deal with it as we may be advised will be for the advantage of those who will be affected by it. I venture to say that the hon. and learned Member for Louth will not find that Englishmen are unprepared to give every attention and consideration to the subject which has been so repeatedly brought before this House. There are many men who have determined to sacrifice a certain portion of their individual opinions because they believed a majority of the Irish people

were in favour of Sunday closing. When the supporters of the Bill are treated in that way, is it fair at this, the eleventh hour of the Session to bring in a Bill of this kind which deals so strongly with the rights of the people of Ireland? The hon. and learned Member for Louth is Member for a large agricultural constituency. Has he consulted that constituency, as to whether it is wise or desirable to bring in a Bill of this kind? Is he going to ride over them rough shod, and see if he can get a majority of the House of Commons to pass his measure, because he thinks it will be for their advantage? And does he not know perfectly well that the great cry in Ireland has been that the people can get whiskey, which is their main drink, upon Saturday, so that there is no occasion to go to the public-house on Sunday? and, notwithstanding this, he now turns round and says that in these very hours, when people are leaving their work, they are not to be allowed to go to the public-houses at all. If he had put the hour of closing at a more moderate time we might have considered something about it. But he says—"No; 7 o'clock. No man is to go to a public-house after 7 o'clock; while he, and all those like him may go when and where they pleased." There is another thing. Many of them forget that the consumption of beer is growing greater, and I hope will grow greater every day in Ireland, and one of the great reasons for not closing these houses may be that people ought to be able to get their beer not only upon Saturday night, but also for a certain time on Sunday. I venture to hope that the practice of drinking beer may increase, much to the detriment of the whiskey traffic. But it is a grave consideration for the hon. and learned Gentleman, whether when he comes at such a time to bring in a Bill of this kind, which can only recommend itself to some few, who, at the cost of harassing the Government and harassing this House with legislation which they know cannot pass, will not damage that cause which they profess to have at heart, and remove to a considerable extent any chance of passing a good Bill for Ireland.

MR. MACDONALD said, he should not have taken part in the discussion had it not been for a remark made by the hon. Member for the county of Cork

Sir Walter B. Barttelot

(Mr. M'Carthy Downing), who said that this was a Bill on which the English as well as the Irish Members ought to pronounce an opinion. That being the case, he, as an English Member, and as one who desired to the utmost of his power to guard the privileges of the great body of the people, thought it his duty to enter his protest against such a Bill as that before the House. The hon. Member for Cork pleaded in a most effusive way as to the necessity of passing the Bill, and he made use of a most humiliating statement in respect to a section of his own countrymen as a proof of the necessity for doing so. He wished this Bill to pass—for whom? Not for the working classes, on whose behalf such illiberal and unwise professions were made, all in the way of depriving them of their personal liberties, but for the farmers coming to market with their produce. This Bill was to prevent them from obtaining drink on Saturday night, and preventing them from the misery of recovering from drunkenness on Sunday. This legislation was wanted for the farmers who came to the markets and sold their goods on Saturdays. Now he (Mr. Macdonald) should be very loth to believe that the farming class in Ireland were so wretchedly low in their moral habits as to require such legislation. He should be very loth to believe that in the case of that powerful body, the clergy of Ireland, to which Irishmen, wherever they were, paid the highest attention, and for which he respected them, although not a member of their Church—

MR. M'CARTHY DOWNING rose to a point of Order. He had never said anything at all reflecting on the moral character of the farming class. He merely alluded to them as one class of persons affected by drinking late on Saturdays. He included artizans and labourers, and meant no reflection on the moral character of any person.

MR. MACDONALD submitted that he was perfectly in Order, and that the hon. Member had just confirmed exactly what he was saying—that the farmers were liable to drink. He had not said a word about immorality, although the hon. Member no doubt looked upon drinking as immorality. He was saying that he did not believe that the influences which had been brought to bear upon the population were of such

a character as to lead them into the rioting and disorder to which the hon. Member had referred. But what would be the effect of this legislation if it should take place? Would it cure the evil of which the hon. and learned Member for Louth (Mr. Sullivan), and those who supported him complained? He ventured to say it would not. If the farmers had tasted a little in the afternoon, would the result not be that before the houses were closed they would have recourse to purchasing a quantity of drink and carrying it along with them, and instead of drinking it where they desired to have it, they would be driven to take it at their homes amongst their children and in the domestic circle. If drink was an evil—and he believed it to be a serious evil—it should not be driven into the houses of the poor. He opposed the Bill on this further ground, that if those hon. Gentlemen who promoted measures of this kind were to succeed in getting it passed for Ireland, they would try to get it passed for England as well. He did not believe in perpetrating the slightest leaven of injustice; and so long as he was in that House he would do his best to prevent it. If the hon. and learned Member for Louth, and those who supported him, were really desirous that the Bill should be just in its character, they would, besides preventing the poor farmer, the artizan, and the labourer from getting drink, put in a clause enacting that every person who had a cellar, and a key to that cellar, should deliver the key into the hands of the police by 7 o'clock on Saturday evenings. They would then be prevented from drinking as well as the middle and poorer classes throughout the country. If they were so desirous of having people sober and correct in their habits let them be just, and close all the clubs in Dublin and elsewhere. A measure of that kind should be made applicable to all classes. He had been in Dublin, where he had observed the upper classes, and if he might use the expression, he should say that it had cost more to paint one of their faces that he saw with liquor than would supply the wants of the working classes of a whole county for several months. In conclusion, he would say that he had a strong desire for the temperance of the people, but he did not believe it could be obtained by restrictive measures. The only hope

was to raise the people by other means, to elevate them by higher objects of a more enobling character than mere coercive laws, which said in effect that they should not be permitted to drink, whilst others might drink as much as they chose and when they thought fit.

MR. MACARTNEY, in supporting the second reading of the Bill, said, it was exceedingly difficult to meet the various views of those who took an interest in this question, and especially its opponents. When Sunday closing was proposed, they urged earlier closing on Saturday, and now that that was proposed, they resisted it. There was not a single authority in the Constabulary, the Dublin police, or amongst the magistracy, who was examined before the Select Committee on Sunday Closing, that did not propose the alternative policy of this Bill, and the shortening of hours, if not total closing, on Sundays. They also knew that the right hon. Baronet the Chief Secretary for Ireland, on several occasions, had intimated that if the supporters of the Sunday Closing Bill would be satisfied with the shortening of hours on Sunday, and the shortening of hours on Saturday evening, he would be prepared to consider it, and he certainly left the impression that the Government would take up the question. But they were now told that to attempt by law to make a man sober was an infringement of his liberty. When Bills had been before that House for preventing men and women from working as long as they liked, or for preventing parents from making their children work as long as they liked, had the House ever hesitated to adopt them on the ground that they would be restricting the liberty of the subject? Hon. Members now seemed extremely sensitive about the liberty of their neighbours and of the lower classes; but whenever Bills had been passed in that House in which their liberties and interests were severally attacked, they had had to submit when it was proved that their doing so would be for the public advantage. Surely the advantage of having a nation as sober as it could be made by legislation would be an immense gain, and worth trying for. Very recently a summary appeared in one of the evening papers, and it stated that the convictions for drunkenness in Ireland had increased from 6,000 a few years ago to 17,000

last year. If the convictions had increased nearly 300 per cent, it might be supposed that the unconvicted drunkards had increased in a similar ratio; for any one observing the conduct of the police must know that out of 20 men who were tipsy, not more than one was arrested, no notice being taken of a drunken man so long as he walked quietly along the street. The returns of summary convictions for drunkenness before the magistrates, therefore, did not represent the amount of drunkenness in a country. It had been said by the hon. and gallant Member for Galway (Captain Nolan), that he took objection to the Bill, because it interfered with the vested interests of some people who kept licensed houses near to chapels.

CAPTAIN NOLAN: I said that was my objection to the Sunday closing, and that the objection did not apply to this Bill.

MR. MACARTNEY begged the hon. and gallant Gentleman's pardon for having misunderstood him. He could only say that if other hon. Members had had the trouble in clearing of public-houses that he had had as a magistrate, they would vote in favour of the Bill. He lived near to a village, and the police had asked him from 30 to 40 times to go and shut up the public-houses, because there was such a row going on. One objection to the Bill was, that Saturday was the market day, and it was the day on which the monthly fairs were held, but the business done at these markets was generally over by 1 o'clock. Surely there was sufficient time for any number of persons to get as much as they possibly could between 1 and 7 o'clock; and it was not necessary to keep public-houses open till 10 o'clock. The respectable class did not want them kept open, and it was only the rowdies who drank in them till late at night. This late drinking, too, was often the cause of factions and religious fights, and it was very often arranged by one party drinking in one public-house to lie in wait for another party drinking in a different public-house. He thought any reasonable man in the country could supply himself with what he wanted before 7 o'clock. He was in favour of the Bill, and hoped that it would be passed; while as to the hours, they could be arranged in Committee. The right hon. Baronet the Chief Secretary

Mr. Macdonald

for Ireland had frequently thrown out the suggestion for the shortening of the hours on Saturday and Sunday, and it would possibly lead to the solution of the question if he would undertake to bring in a Bill next Session dealing with it on the part of the Government.

MR. GRAY said, he, like many other hon. Members who had spoken that day, felt himself somewhat embarrassed by the suddenness with which he was called upon to vote on the Bill. If he believed for one moment that there was a probability, or even a possibility, of the Bill becoming law that Session, he should feel coerced by the arguments of the hon. and gallant Member for Galway (Captain Nolan); and although he sympathized with the principle of the Bill most decidedly, and although his convictions were not likely to change, he would vote against it. They must remember that the people of Ireland had not been sufficiently consulted with regard to it; and even good law, if forced upon a people without having allowed public opinion to mature, was not at all palatable. However, he had not heard from the opponents of the Bill a single argument against the principle of shortening the hours on Saturday nights. Therefore he thought that, taking into account the suddenness of the introduction of the Bill, some compromise should be come to, whereby the scruples of those who would vote for and against the Bill might be met. He believed that it was not an uncommon practice to permit a Bill to be read a second time, on the understanding that it should be carried no further that Session. Many hon. Members who had spoken on the question, and had spoken against the second reading, did so on the ground that they not ascertained the views of their constituents. The effectual way to meet the matter was to place the Bill in exactly the same position as the Sunday Closing Bill, and let it be read a second time, on the understanding that it was to go no further that Session. Those two Bills might then be re-considered during the Recess. The attention of the Government would be far more forcibly called to the subject after a second reading than before; and he, for one, would hope that during the Recess the Government would be able to deal with the question by meeting the views of moderate men. By doing so they would best

carry out the object of all Members of that House—namely, the promotion of temperance. He thought that that could be best met, not by having a complete closing on Sundays; but by a shortening of the hours on Saturdays, and providing for a considerable shortening of the hours on Sunday, leaving on the latter day some time for necessary refreshments. He had entered that House a pledged supporter of Sunday closing; and if the matter came to a vote now, he should vote for total Sunday closing. But he had learnt a good deal lately about Sunday closing, and he did not think there was so much feeling in favour of total Sunday closing as he once was led to believe, and he believed it was tainted with the Sabbatarian element, to which he objected. He hoped that during the Recess the Government might see its way to the framing of some Bill which would settle the question in Ireland for some time to come; and he believed that the feeling of prominent men who were not extreme, either in the view of publicans or Sunday closers, would be best met by the shortening of the hours on Saturdays and Sundays. He could not support Saturday closing at 7 o'clock, and he did not understand that the hon. and learned Member for Louth was pledged for that hour alone, but a rational hour of, perhaps, 9 o'clock. He would suggest to the hon. and learned Member, that if the Government would hold out any hope that they would consider the two Bills, with the view of introducing a Bill on the question next Session, he should be content with the present Bill being read a second time, and go no further with it. If that was done, he (Mr. Gray) should vote for the Bill; but if it was to be rushed through this Session, much as he sympathized with the Bill, because he did not think that the people of Ireland had had quite sufficient opportunity of considering it, he would vote against the measure.

MR. STACPOOLE said, although in favour of some restriction in the matter, he could not vote for the second reading of the Bill for early closing on Saturdays, and he hoped the hon. and learned Member for Louth (Mr. Sullivan), seeing the feeling of the House, would consent to its withdrawal. A measure of this kind ought to be very carefully considered, because it proposed to establish a principle which, so far as he knew, had

never been seriously discussed, either in that House or in Ireland. It was probable that the Government might take the matter in hand next Session, and in the meantime the feeling of the country could be ascertained, and the whole subject dealt with on a broad and equitable basis, whereas the attempt to rush the Bill through at the fag-end of the Session would neither settle the question, nor satisfy anyone. He should therefore oppose the second reading.

MR. KIRK said, he was one of those who had always opposed Sunday closing, believing that no good would result from it; and with regard to the present Bill, though he was in favour of its principle, he did not think there had been a sufficient expression of opinion on it in Ireland to justify him in giving it his support. He believed that the Sunday Closing Bill would not prevent drunkenness or immorality, but had no doubt that it would be the means of vastly increasing illicit drinking. It was on this ground that he had opposed Sunday closing. But with regard to the Bill for shortening the hours on Saturday, he had a different opinion. He was as anxious to guard the liberties of the people as the hon. Member for Stafford (Mr. Macdonald), but there was a want of education in Ireland, by which the bulk of the people were not able sufficiently to protect themselves against the temptations they were exposed to on the Saturday night when they received their wages, and until this was removed, it was absolutely necessary to do something on Saturday nights. He, however, agreed with the hon. and gallant Member for Galway, that this proposal had come upon them with surprise, and he hoped his hon. and learned Colleague would consent to withdraw it until next year, and then some proper understanding with regard to a modification of the hours, might be arrived at which would, perhaps, put an end to this dreadful liquor matter for some time in that House. He was of opinion that 8 o'clock closing would meet the necessities of the case.

MR. O'SULLIVAN said, he would oppose the Bill. He would ask the House if it was fair or reasonable that a Bill proposing such a restriction of the liberties of the people should be brought into the House with only one week's Notice? It was true that they

had a week's Notice of the Bill in the House; but the people of Ireland had no notice whatever, they would know nothing about it until they read the debate in that House. Was it fair, he asked, that such a Bill should be introduced at the tail end of the Session? If he thought that the passing of this Bill would finally settle the question, he would warmly support it; but he feared it was only one of the many Bills that the Sunday Closing Society had in preparation. The Government were in possession of the evidence that had been given before the Committee, and they ought to be well prepared to bring in a Bill which would finally settle the question next Session. They regarded the reduction of the hours on Saturday evening as a most legitimate proposal; but they objected to the Sabbatarian proposals to close entirely on Sunday. The hon. and learned Member for Louth (Mr. Sullivan) had named 7 o'clock as the hour for closing on Saturday night. Now, while it was true that a good many of the working men left work at 1 o'clock, and had time to get their provisions for the Sunday, as a rule, the labourers in the country did not leave work until 6 o'clock, and they were often two or three miles from home. Therefore, if this Bill were passed, not only would they be unable to get a drink, but they could not get their provisions for the Sunday—and it was well known that in Ireland the publicans were provision dealers as well. It was true that the question of hours might be considered in Committee; but if the House passed the second reading of the Bill, it would be admitting that 7 o'clock would be the proper hour for closing on Saturday evening. It was, therefore, advisable to say now that they were opposed to 7 or 8 o'clock as the hour for closing, although they were prepared to agree to a reasonable hour, that would enable people to get refreshment and provision for the Sunday. He objected to the Bill, because it was only the thin end of the wedge, and that many such measures would be introduced by the Sunday Closing Society. This Bill, if passed, would leave the hands of the Society free as regarded Saturday evening, and they would endeavour next to secure the total closing of public-houses on Sunday. He would ask the Government to bring in a Bill on the subject,

Mr. Stacpoole

so that an important question like that might not be dealt with by private Members, but that it might be dealt with in accordance with the rights and privileges of the people, and with a due regard to the large amount of property involved in the question in Ireland. He hoped that in the event of a division the Bill would be rejected by a large majority.

MR. GOLDSMID said, the Bill affected Imperial quite as much as Irish interests. It was not long since the Government dealt with the whole licensing question, and the House was now asked by a private Member to re-open it. First, they had the proposal for Sunday evening closing. Now, it was Saturday evening closing, and he was sure that if the Bill were passed they would have a proposal next Session for closing public-houses on Saturday morning. Then they would have a proposal to close them on Friday evening; next on Friday morning, and so on, so that ultimately they would get back to Sunday again, and in that way bring about absolute repression. That might be all very well for those who were in favour of preventing their fellow-subjects from having any liquors at all; but he maintained that the working man, like others of Her Majesty's subjects, had a right to take a reasonable quantity of beer or spirits. This Bill was one of a series which interfered with the liberty of the subject, and it behoved every hon. Member, whether Irish or English, to oppose it, and prevent its passing. If such a Bill were carried for Ireland, those in favour of equal legislation would say they could not oppose the application of the same principle to England and Scotland. He objected to the practice of bringing in Bills which were to apply to only one portion of the country. If they wished to make this country a united country, the best plan was to take care that their legislation should be applied to each country alike. He denied that drunkenness was on the increase, either absolutely or relatively, and must again say that the Bill was an improper interference with the liberty of the subject.

MAJOR O'GORMAN said, that when he rose to speak on this subject before, he called it a Sabbatarian subject. He thought he was perfectly right in doing so, and the hon. and learned Member for Louth (Mr. Sullivan) was not only

attempting to keep the Christian Sabbath holy, but he now wanted them to return to the Jewish Sabbath and keep it holy also. He thought the hon. and learned Member was in too great a hurry to get into "the Valley of Jehoshaphat," and he would be quite as well to be content with this world as it was. For his own part, and he thought hon. Members would agree with him, he (Major O'Gorman) would say—

"You may rail at this life. From the hour I was in it

I've found it a life full of kindness and bliss;

And until you can find me some happier planet,

More full of enjoyment, I'll stay upon this."

He did not know if the hon. and learned Member felt it so, or not; but he would accompany him to the last verse—

"As for those chilly orbs on the verge of creation—"

He supposed that meant Londonderry and Drogheda—

"Where sunshine and smiles must be equally rare,

Do they want a supply of cold hearts for that station,

Heaven knows we have plenty on earth we could spare."

What was he to say with respect to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson)? He had actually given a day over to the Irish people, and no doubt he thought he would be requited for his generosity; but he (Major O'Gorman) could assure the hon. Baronet that he could never expect any gratitude from the Irish people—never! They could not be grateful. They were not educated for it. They never got anything they demanded, and he asked, therefore, how could they be grateful? They asked for Home Rule—refused. They asked for the borough franchise—refused. They asked for the municipal franchise—refused. They asked that fair compensation should be paid to occupying tenants—refused. He was not at all certain even that they would be allowed to have their letters delivered in Waterford on the same day, when they arrived before 3 o'clock—at present they were detained until 9 next morning. He believed it was perfectly impossible for them to be grateful, and therefore the hon. Baronet had thrown away his day. When he went home in the evening of the day which he lent to Irish Members, he must have

felt something like the Emperor Titus, and said—"I have lost a day." He would strongly recommend to the hon. Baronet, particularly when he had to do with the Irish people, the advice which Polonius gave to his son Laertes—

"Neither a borrower nor a lender be,
For loan oft loses both itself and friend,
And borrowing dulls the edge of husbandry."

Now, the Bill he would introduce on this subject would be really a good Bill. ["Hear, hear!"] Whether those cheers were ironical or not did not matter; but his principal evidence was the hon. Baronet himself, who had quoted a speech delivered by him (Major O' Gorman) on the 5th of May, 1875, very much to his surprise, for he did not know that he was an authority upon anything. It had been more than insinuated that he had been in favour of drinking in Ireland by the people. There was never anything so utterly contrary to the truth, for no man in that House was more desirous of seeing every man in Ireland thoroughly sober. He would prove that by the speech which he had delivered on the 5th of May, 1875. In that speech he said—

"If you close public-houses on Sunday in Ireland you will clearly establish illegal sale of spirits, and most likely its illicit distillation."

There could not be a doubt that the people would get drink.

"The consequence will be that the police will be perpetually employed in the detection of that which was not crime before. The Petty Sessions Courts will be crowded every week or every fortnight with defendants losing their valuable time, and the whole land will swarm with Corydons and Talbots, who will first induce the people to violate the law, and then inform against them, to the great delight of the backstairs of Dublin Castle. I think that that consideration alone ought to put an end to this Bill this day. But I can give you reasons stronger. I look upon this Bill as a puling, miserable thing, a particular thing; nothing universal about it; nothing holic—I dare not, I suppose, say Catholic—about it; an emasculated, mile and a-half sort of thing. If we had a statesman who would do the right thing because it was right—if we had a statesman who would do the virtuous thing because it was virtuous, and not because it might affect prejudicially the pocket of the Chancellor of the Exchequer—if we had an old Irish Brehon sage here, how would he proceed? He would approach the question somewhat in this fashion. He would say—'This whiskey is the destruction of my people. It ruins their health. It deprives them of their reason. It lowers them in the scale of creation even lower than the brutes

in the field. It is manufactured of that which should provide food, not poison, for my people. Let it end. Sunday and Monday alike. Let it never appear in our sacred island again. O, my officers, to the bonding warehouses, drag out the puncheons, the pipes, and the hogheads of this poison; swill the streets of my cities with it; and as the very dogs lap it up and fall prostrate under its influence, let Irishmen learn what a foreign nation has provided for their destruction.'"—[3 *Hansard*, ccxxiv. 114-15.]

There was something statesmanlike in that speech. [*Laughter.*] There was positively, although he said it—and he did not claim to be a statesman. The Bill before the House was a miserable 60 minutes' sort of thing, and discussion was carried on from 1 o'clock until nearly 4, as to what Irishmen should drink from 7 to 8, from 7 to 9, or till 10 o'clock. That was a miserable thing to be introduced by anyone having the smallest pretensions to be not merely a statesman, but even a Member of Parliament. It must be acknowledged that there were a great many Members of Parliament who were not statesmen, himself among the number. Referring to his speech of 1875, it continued thus—

"Here would be lawgiving; here would be impossible drinking Sunday or Monday; here would be wisdom; here no class legislation could show its detested face; here would be Lycurgan severity, but Lycurgan severity, Sir, chained to Lycurgan justice. Here all would stand equal in the presence of respected, not despised laws."—[*Ibid.*, 115.]

What he had indicated in that speech would be a proper Bill to bring in for Ireland. The hon. Member for Mayo (Mr. O'Connor Power) had some weeks ago talked about the Maine Liquor Law. In that State the sale of liquor was utterly stopped, but they had to open the houses again. They found it would not do, that people would not submit to it. Here was an extract from an American paper, which would be useful reading to some hon. Members. It was from the special correspondent of *The Boston (Massachusetts) Post*—

"In the year 1873 there were in Maine, whose population was only 629,916 at the last Census, 17,818 arrests for drunkenness, more than for all other crimes put together. And yet there are some who persist in saying King Alcohol does not reign in Maine. I wish it did not; but I assure you if some night you could hang out a red flag at the door of every rum shop in Maine, the people would wake up in the morning and think the small-pox had broken out all over the State. Facts show that the prohibitory law has been a failure, worse than that, a curse. That it has rendered the means of drunkenness more

Major O' Gorman

costly, it is true; that in some instances it has added somewhat to the difficulty of obtaining liquor may be admitted; that in some places it has lessened the number of places of sale may be; that it has also tended somewhat to influence public opinion. All this may be true, still facts show that the prohibitory law has not lessened the evils of intemperance, but has increased it by producing other and collateral evils. It has driven young men to the formation of clubs, and the establishment of club-houses, causing an excess in drunkenness and ruin. It has more extensively introduced the rum-jug into the family circle. More than ever do men buy liquor now in kegs and demijohns, and keep it and drink it in their homes in the presence of their children; and while the law has made liquor more costly in price, it has made it also more poisonous in quality. And old and reliable physicians throughout the State now report a four-fold increase of cases of *delirium tremens*. To-day a man with four inches of Maine whiskey in him is not less dangerous than a wild beast."

It would be precisely the same in Ireland if this Bill were passed, which he hoped it would not. He wished to refer to the harassing nature of such legislation. They were told by the hon. Member for Londonderry (Mr. R. Smyth) that there was no harshness in Sunday closing, inasmuch as people could on Saturday provide themselves with any quantity of liquor for the Sunday. Now, if this Bill passed, it would be impossible for the people to get either liquor or provisions, and in consequence of the late hour at which they left off work, they could not get those things on the other five days of the week unless they absented themselves from their labour. He (Major O'Gorman) was utterly opposed to it; no Petition had been presented in favour of it, and it had come upon the House entirely by surprise, no one being aware of it. The county Tyrone, perhaps, ought to be excepted. That seemed to be an atrocious county, for the hon. Member who represented it (Mr. Macartney) said the gaols were full of people who were arrested for drunkenness, and as only 1 in every 100 was arrested, it might be suggested that all the rest of the population must be drunk too. They were a very peculiar people in the county of Tyrone. They drank there by hands. They were not at all pleasant fellows, if the hon. Member was to be credited; and they only became agreeable when they had consumed three hands—every hand consisting of five tumblers of punch. The hon. and learned Member for Louth had publicly stated that Mr. Dwyer, the secretary for

the Publicans' Association, said before the Committee that he was in favour of the closing of public-houses on Saturday—[Mr. SULLIVAN: I did not say so; I read the exact terms of his answer.] He was obliged to the hon. and learned Gentleman for correcting him. The hon. and learned Gentleman read the evidence of that witness; well, he would read it too. The hon. and learned Member for Louth put the following question:—

"Do you think it would have a very good effect upon the order and sobriety and general morality of the City to close earlier on Saturday—do you agree with all the other witnesses who said that it would?"

The answer was—

"To a certain extent I would agree with them; but with this very great difference, that I do not see how such a thing could be done; I believe that the essential element of all these things is that the law should be not only administered impartially so far as that is possible in Ireland, because it is scarcely possible to administer the law quite impartially in Ireland; and that these persons whom we call the better classes should submit to the law. I think that there is very great difference between (to a certain extent) the upper classes evading the law and actually passing a law, and stereotyping the thing by passing one law for the poor and another for the rich, which you would if you close the public-houses earlier on Saturday evening, for surely you are not going to send the whole population of Dublin to bed at 8 or 9 o'clock on Saturday evening, and shut up the theatres."

But the Bill was not for the better classes, it was for the poor, who were not consulted. Why, hon. Members knew there were a great many things besides liquor that people wanted after the theatre. His hon. and learned Friend the Member for Kildare (Mr. Meldon) would tell them that there were crabs and lobsters to be got, and there was no hour in the day when people were so pleasant as after the theatre. The next question put was—

"When you speak of the upper classes not obeying the law for early closing on Saturdays, do you mean the upper classes of publicans?"

That was a very cunning question. But the old man was not to be taken in that way. He answered, "Certainly not." The next question was—

"How could people who are not publicans and in the upper classes be called upon to close the public-houses. I am talking of closing public-houses on a Saturday, and you speak of the upper classes not closing their houses?"

The answer was—

"I do not say not closing their houses, but not being satisfied with having the licensed houses they use closed."

Another question was—

"Then if the hon. Member for Dublin brings in a Bill for closing the public-houses three or four hours earlier on Saturday, do you think that he will have the support of your trade?"

The answer was—

"No; for this reason, if you will allow me, he will not have any of our support. We are perfectly convinced that if you pass a law to close the public-houses on Saturday evenings you would merely transfer the trade from one place to another" (a shebeen, no doubt). "We do not believe it possible that you could by any law, or any administration of the law, no matter if there was a Committee of the House of Commons who sat here permanently to enforce it, stop people from drinking, or could change the habits of a whole population in a short time."

Further on he was asked—

"About what hour in the evening, according to what you call the habits of the people of Dublin, are the public-houses required for the purposes of counter refreshment by the bulk of the people on Saturday night?"

The reply was—

"According to the present habits of all classes of the people, high and low, the present hours are the right hours. I do not say that there may not be any improvement hereafter, and that we may not hope for better things."

He (Major O'Gorman) asked any hon. Member if that evidence did not contradict the evidence that had been brought forward by his hon. and learned Friend (Mr. Sullivan) and he would like to know with what face such a Bill could be brought forward? He had no objection to the House being hoodwinked; but it was very hard to do it. He must record his decided objection to the Bill. It would, if passed, trample upon the rights of the people of Ireland. They would not dare to carry such a Bill for England. ["Hear, hear!" *from the Ministerial Benches.*] No; the English Tories had some gratitude, if Irishmen had not. He saw some Tories opposite. They understood all about the publicans and the parsons. The publicans and parsons placed hon. Members opposite in the position they now filled, and they had not forgotten that, for what did they do? As soon as they got into power they showed their gratitude to the publicans by extending the hours of closing in London and all over the country to half-past 12 instead

Major O'Gorman

of 12 o'clock, as hitherto. [An hon. MEMBER: In London only.] Well, there were 5,000,000 of people in London. Hon. Members knew perfectly well that they could not pass such a Bill as that for England, although there was considerable dread on the part of the publicans of England that something of the sort would be attempted. It was a Bill trenching upon the liberties of the people; it would deprive the people of an indulgence which at present they accepted in a very proper and sober manner. It was not true that the Irish people in country districts were addicted to drunkenness, and he never knew people so sober as they were in his own neighbourhood. He had seen the two public-houses in the village near which he lived filled, but he never saw a drunken man there—never. He did not pretend to say that they were all in the same state as the hon. and learned Member for Louth, who drank like a fish, for the hon. Member never drank anything but water. The people drank something stronger, and to deprive them of it would be the greatest piece of cruelty that could possibly be imagined. He hope the House would reject the Bill. If it was carried, it would be a great calamity, and a slur on a people who knew how to use their privileges.

SIR MICHAEL HICKS - BEACH said, he need not detain the House at any length, and would only refer to those clauses of the Bill relating to the closing of public-houses on Saturday evening. The clauses dealing with the supervision of refreshment houses and extension of penalties upon the sale of intoxicating liquor without a proper licence had been recommended by the Select Committee on the Sunday Closing Bill. These would have been necessary in the event of the total closing of public-houses on Sunday; but he did not think they would be equally necessary in the event of the shortening of hours of opening on Saturday. At any rate, a discussion upon them might be very well postponed, until it was decided whether the public-houses should be closed earlier on Saturday evening or not. He would be bound to admit that the hon. and learned Member for Louth (Mr. Sullivan), in moving the second reading, very fairly said that he did not attach paramount importance to the hour of closing which he himself named in the Bill. He understood the

principle of the Bill was this—that the hours during which public-houses were open on Saturdays should be shortened, and that the hour of 7 o'clock, or any other hour the House preferred, should be adopted in lieu of the present hour. Therefore, it was unnecessary to dwell on the hours the hon. and learned Member had selected, further than to say that he agreed that it would be impossible to close public-houses in large towns on Saturday at 7 o'clock with any regard to the convenience of the people. That, however, would not affect the desirability of some curtailment of the hours, and the acceptance of the general principle of the hon. and learned Member for Louth, supported as it was by a large body of the evidence taken before the Select Committee on Sunday closing. He found evidence given before the Committee in favour of shortening the hours from officers of police, from magistrates, from the Recorder of the City of Dublin, and from witnesses of almost every class in Ireland; but great, no doubt, as the importance of that evidence was, it did not afford sufficient grounds for agreeing at present to the second reading of the Bill. It must be remembered that the evidence was only given incidentally in regard to the closing of public-houses on Saturday, the real question being the closing of public-houses on Sunday. It must be remembered, also, that the subject had not yet been fairly brought under the consideration of the people of Ireland. The hon. and learned Member for Louth and his supporters approached the question from a narrow and, in his opinion, mistaken point of view. They argued that drunkenness was a great evil; that public-houses were the cause; and that if they were closed, or the hours of their being opened shortened, the evil would cease. The proposal of the hon. and learned Member for Louth was mainly based on that argument. It was not a Bill for closing public-houses altogether, but for closing them during those hours in the week when it was proved by statistics, and by the evidence of magistrates and the police, that the greatest amount of drunkenness existed, and when the people were most able to resort to them. Now, he (Sir Michael Hicks-Beach) was bound to say that he looked at this question, and on all proposals dealing with the licensing laws,

mainly with regard to the habits and the convenience of the people of Ireland, for he believed that in a matter of this kind whatever law Parliament might enact could not be carried into effect, unless it was in accordance with the habits and feelings and convenience of the people. Therefore it was necessary, that the utmost publicity should be given to proposals on the subject, in order to ascertain the view the people might take of those proposals before passing them into law. It appeared from the evidence taken before the Committee that, especially in Dublin on a Saturday evening, owing to the payment of wages and the shops being open to a later hour than usual, the people who went to market or pursued their various avocations on these occasions, required refreshment on that evening perhaps at later hours than on other evenings. That being so, the House ought to know what these people whose liberty it was proposed to curtail, thought, of the proposal before them before they proceeded to pass it into law. He was not aware that any suggestion of the kind had been made in Parliament for some years. When the licensing question was last settled in 1874, no Amendment was proposed in favour of shortening the hours on Saturday, although the hon. Member for Derry (Mr. R. Smyth) raised the question of closing on Sunday; and although Sunday closing had been thoroughly canvassed in Ireland for the last three years, he did not think the question of shortening the hours on Saturday had been placed before the people at all.

MR. RICHARD SMYTH begged to correct this statement. He did not in 1874 raise the question of Sunday closing in reference to that Bill; but he did raise the question of shortening the hours on Sunday.

SIR MICHAEL HICKS-BEACH : That practically confirmed his argument. Then the question they had to consider—whatever might be their opinion as to the shortening of hours on a Saturday—was, whether on that occasion they should sanction the principle of that Bill. Now, he had listened carefully to the debate, and he did not think, from a single hon. Member he had heard any very great desire expressed that the Bill should become law during the present Session; and from several hon. Members he had heard the

statement that, while they approved generally the principle of shortening the hours on Saturday, they thought nothing could be done during the present year, and, therefore, they did not think it desirable that the Bill should be pressed beyond a second reading. His own feeling was, that no useful purpose would be served by proceeding further with the Bill at present. He did not think the question ripe at that moment for legislation. He thought there was much to be said in favour of shortening the hours on Saturday night, and the discussion showed a general feeling that the question was very much mixed up with that of closing on Sunday. The hon. and learned Member for Louth himself must agree in this, because the supporters of the Sunday Closing Bill always argued that it would not inconvenience the people, because they could get what liquor they wanted on Saturday. But if you shortened the hours on Saturday, you might affect very much this argument in favour of Sunday closing. It had been suggested that it would be very desirable the Government should deal with this subject. Well, he did not think it necessary because a certain Resolution had been adopted by the House of Commons on any particular subject, that, therefore, the Government should take that question out of the hands of all other Members, and propose legislation upon it. But he was ready to admit that the initiation of legislation upon the licensing system had been generally, though not always, in the hands of the Government. He did not like, with respect to any subject, to promise legislation for future Sessions. He thought there were material objections to such a course, because it was desirable before making promises, to be pretty certain of being able to fulfil them; and the experience of that Session afforded an additional warning against promises of the kind. But he would undertake to consider the matter together with the subject of Sunday closing during the Recess, and to bring it before his Colleagues, dealing with the question as a whole; and in giving that undertaking he wished it to be understood that he thought the question must be treated as it were *de novo*—that it would be necessary not only to bear in mind its past history as well outside as within that House, but also,

that it could hardly be settled without something in the nature of a compromise, for there had been unquestionably signs of a considerable change of opinion in Ireland on the question of Sunday closing during the past year. With regard to the Bill now before the House, he thought that although it was one of which the principle should be carefully considered, yet the time was not ripe for that House to assent to it; and he trusted, therefore, that under the circumstances, the hon. and learned Gentleman the Member for Louth would not press the measure to a second reading, but would be content with the lengthy discussion which had resulted from his Motion.

MR. P. J. SMYTH said, the statement of the right hon. Baronet would be received with satisfaction in Ireland. As he (Mr. Smyth) was one of the opponents of Sunday closing referred to by his hon. Friend the Member for Cork, he wished to state he was equally opposed to Saturday closing. The manner in which the Bill had been brought before the House ought, in his opinion, to condemn it for this Session at least. That was not the way in which legislation affecting great interests and important classes ought to be conducted. In considering the Bill, the point to be determined was not whether there was more drunkenness on a Saturday evening than on a Friday evening, but whether the cities and towns of Ireland presented on Saturday evenings scenes of drunkenness, tumult, and disorder unparalleled in the cities and towns of other portions of the Empire. If that point were determined in the affirmative, there was a *prima facie* case for exceptional legislation; but, if otherwise, the Bill was an insult to the Irish people. He could speak for the City of Dublin, and he affirmed that life and property were as secure there on Saturday nights, and all other nights, as in any city in the world. He condemned this measure as affixing a stigma on an entire nation, and he would oppose it at every stage.

MR. SULLIVAN said, he had heard with great astonishment and regret the speech of the right hon. Baronet the Chief Secretary for Ireland. As far as any expressions of opinion had hitherto emanated from him, they had all been in favour of shortening the hours on Saturday. If he had accepted its prin-

Sir Michael Hicks-Beach

ciple, he (Mr. Sullivan) should have been perfectly willing to allow the right hon. Gentleman to mould the Bill in his own way. Hardly any speeches had gone further in opposition to the second reading than that he ought not to try to proceed further in the present Session. But now the Chief Secretary for Ireland had gone much further, and, to his sorrow, he recognized the Government in their true light. They were evidently opposed both to Sunday closing and to shortening the hours on Saturday, and that being the case, he felt it his duty to press the second reading. He did not expect to have been treated—indeed, he had reason to expect that he would not be treated—as he had been by the Government. Taken, as he was, completely by surprise, he must press his Motion to a division, although he was convinced and was quite aware of the result of the division—although it might, it would be impossible, under the circumstances, for him to proceed further with the Bill now before them during the short remainder of the present Session.

MR. BUTT said, that he must resist the second reading of the Bill; for he thought that when they came to its consideration next Session, they ought not to be bound by any previous assent to its principle. How, he might ask, could they separate this question from that of Sunday closing? If they accepted Sunday closing, they must modify the hours of closing on Saturday; therefore, he said that the two questions must be considered together. He objected to a Bill of the kind being introduced for Ireland alone. Moreover, it had not been brought in deliberately. It was an afterthought, and had been founded on scraps of evidence given for another purpose. That was not the way to legislate. The present Bill, he must add, was brought before the House in a way to which they ought not to lend the slightest encouragement. It had been brought in as a dummy Bill early in February, and had remained until recently in that state, contrary to the ancient and good practice of the House, to which he must say that he thought it would be well to resort. If he was anxious to adopt the principle of early closing on Saturday, he should not, with the information at present before them, know how to fix the hours of closing for any town in Ireland. They must

have further inquiry and evidence. Therefore with great reluctance he said the Chief Secretary for Ireland had done right in not committing himself to any Bill; but he had promised to give the matter the fullest consideration, and perhaps next Session the Government would be able to propose some legislation which would check drunkenness, and at the same time avoid putting the people of Ireland to unnecessary inconvenience and insult.

MR. MURPHY said, he thought that the House ought to take time to consider the Bill, which, as his hon. and learned Friend (Mr. Butt) had said, was an afterthought. Although the hon. and learned Member for Louth was technically in Order in pursuing the course he had, yet the Bill was evidently brought in *en revanche* as a matter of retaliation upon those hon. Members who had opposed the Sunday Closing Bill. It appeared to him to be a crude attempt to force down the throats of hon. Members a principle which would be found to be utterly impracticable. However favourably disposed he was to shortening the hours of labour and of early closing on Saturday night, he could not approve of the Bill without evidence that it was in accordance with the habits and contributed to the convenience of the people. Moreover, he had no evidence of its practicability. In the evidence given before the two Committees which sat in 1868, reasons were given why, in certain localities, restriction of time might be advantageous, yet there was abundant evidence to show that this rule should not be of universal application. It was monstrous to suppose that the hard-and-fast line of closing public-houses at 7 o'clock should be adopted. The hon. and learned Member for Louth in 1874 and 1875, brought in Bills with exactly the same title, and the names at the back of those Bills were those which now appeared at the back of the present Bill; but the latter Bill was totally different in principle and detail from the former. The Bill of 1875 repealed every restriction on the sale of liquor by everybody; but this Bill, although introduced in February, was not printed till last Thursday, and then hon. Members found to their surprise that it was a Bill to close at 7 o'clock all the public-houses in Ireland. He objected to that sort of hey presto—jack-in-the-

box legislation. Last night he (Mr. Murphy) received a communication from his constituents to oppose the Bill in every possible way he could. This Bill was brought in late in the Session, without the slightest possibility of its passing, and evidently for no other object than to enable its promoters to say to the advocates of the Sunday Closing Bill—"We have been beaten on that measure, but on the Saturday Bill we shall go off in a blaze of fireworks." In the Committee to which he referred, Captain Talbot said public opinion was decidedly against closing public-houses before 11 o'clock on Saturday night. Inspector Corr expressed the same opinion. Their evidence was to be had in the Blue Books. But quite apart from any evidence on the subject, it was utterly idle to expect that at that late period of the Session the House would be disposed to adopt the second reading of such a Bill as this, introduced as he might say without Notice, and involving in its issues an undoubted source of inconvenience and injustice. If the subject was to be discussed by the Legislature and the outside public, let it be done with due deliberation. For his part, he did not deem it necessary to take up the time of the House by any further expression of his views, but would leave it to their good sense and judgment to deal with it on the division.

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

INTOXICATING LIQUORS (LICENSING BOARDS) BILL.—[BILL 24.]

(*Mr. J. Cowen, Sir Henry Havelock, Mr. Norwood, Mr. Burt, Mr. Ernest Noel.*)

SECOND READING.

Order for Second Reading read.

MR. J. COWEN, in moving that the Bill be now read a second time, briefly explained that its object was simply to take all matters connected with licensing out of the hands of the magistrates, who

Mr. Murphy

were an appointed body, and to place licensing, and all the powers connected with public-houses, in the hands of boards elected by the ratepayers.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. J. Cowen.*)

MR. RODWELL, in moving that the Bill be read a second time that day three months, said, he thought the House was probably tired by that time of the statements that were bandied about as to an increase of drunkenness in the country. It was taken as an axiom that drunkenness was the parent of crime and pauperism, and when he found, on looking to various parts of England, that crime and pauperism were rapidly diminishing, he was at a loss to know why it should be said that drunkenness was on the increase. It was incumbent on the promoters of the Bill to show that the present system of licensing, which had been in operation for only a short period, had proved unsatisfactory, and had been the subject of complaints. It was certainly a very great improvement on the former system. The licensing justices, he believed, discharged their duties with perfect fairness; and in these days, when so many watchful eyes were observing the conduct of the magistrates, and particularly the unpaid magistrates, it was certain that if there had been any ground of complaint the House would have heard of it. It could not be said that the number of licences increased under the present system. On the contrary, there was the greatest reluctance on the part of the justices to grant new licences. It was an advantage, moreover, that the justices were not elected by the people, for they were able under the existing system to act with independence. Nothing, in his opinion, would be more objectionable than to place the granting of licences in the hands of an electoral body, because it was evident that for months before the elections of the licensing boards, publicans would engage in a regular system of treating in order to influence the composition of that licensing board. It was also inopportune to bring forward a Bill of this nature, because there had been no case made out for any change, or that the present system had not proved so far to have been successful in exercising a judicious power over the public-house trade. Besides,

when he looked at the clauses of the Bill it seemed to him to be really a hybrid measure, something between the Permissive Bill and the Gottenburg proposal, and it contained some of the provisions of each. But the House had expressed its views as to each of these schemes, and he could hardly think it would assent to a measure which combined the evils of both of them. He was disappointed and sorry that his hon. Friend (Mr. Cowen) did not, in proposing the second reading of the Bill, give at greater length his reasons for adopting the principles of the measure and altering the present system, because it put the opponents of the Bill in the position of being compelled to fight with shadows; but one thing was very certain, it would involve the country in a very large expenditure. It would be necessary to have superintendents and an endless number of other officers in each local unit: so that it would not only keep the country in continual turmoil and convulsion, but would involve it in very considerable expense. This measure, he presumed, was brought forward to diminish drunkenness; but what guarantee was there that if it were passed into an Act it would diminish drunkenness in the slightest degree? It might do so in a few places where publicity could be brought to bear upon the working of the system, but even in those cases the effect would be only spasmodic—they never could obtain a uniform system. He thought it would be much better to leave licensing in the hands of those in whom it was at present placed, and he begged, therefore, to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Rodwell.*)

MR. PEASE said, the hon. and learned Member for Cambridgeshire (Mr. Rodwell) had raised an issue upon the narrowest possible ground. It was admitted that there were great evils to be encountered. One of those was that three-fourths of the pauperism and 80 per cent of the crime of the country could be traced to the effects of intoxicating liquors. He refused to regard the representatives of the ratepayers under this Bill as simply the representatives for licensing purposes. They hoped to

have a Bill on the subject of local government generally, and he should hope to find the Board created under the Bill exercising other authorities, because they were found to be the best men for all general purposes. The present Government had been taunted with having come into power through the assistance of the parsons and the publicans. He never joined in that taunt, and he believed they were anxious to do something to check the evils which so plainly existed. One effect of the existing law had been to increase drunkenness among women, the power of the magistrates to restrict the number of licences having been nullified by the power exercised by the Excise. The number of licences to sell off the premises had enormously increased. In Manchester the effect of this had been a very large increase in the number of cases of drunkenness among women, and in the West Riding a similar result had been produced. It was things like these that the country complained of. Such matters ought to be placed under a licensing authority. The question was simply how best to regulate a great monopoly. As to the hours of closing, he had always protested against any universal rule; it should be guided by local feeling and local wants, and it might well be left to the decision of the local authorities. The magistrates, of whose action so far as it went he did not complain, were not so suitable a body to take it up as the representatives of the ratepayers, not appointed solely for licensing purposes, as for the general purposes of Local Government. Almost universally throughout the North of England the opinion was that in a great many cases a shortening of hours was very desirable. What they wanted to realize was a maximum of taxation with a minimum of drinking; but this could not be attained unless the present law was altered in the direction of diminishing the number of drink traps at present existing in the country.

MR. GREGORY said, the hon. Member who had just addressed the House (Mr. Pease) had dealt with matters which did not arise in the Bill. The object of the measure was simply to supersede the authority constituted, after due consideration, by Parliament two years ago for the licensing of public-houses—to supersede the committee of magistrates in favour of a local body.

That body was to be elected by the ratepayers. What would be the effect? They would have contests right and left, and the most influential parties in such elections would be the publicans themselves. The result would be that the representative body would be to a great extent composed of the nominees of this class. Those who doubted that such would be the case could not have seen the influence publicans exercised in the present municipal and borough elections; and if that were the case, would they not strive every nerve in order to secure the constitution of the licensing boards in their own interests? Had any case been made out, or any grievance even alleged, against the present licensing committees? He had heard no charge of dereliction of duty. He ventured to think that before they attempted to supersede the existing authority, the authors of the Bill were bound to show some cause for it, and some very grave dereliction of duty on the part of the present authority before they could expect the House to assent to the second reading.

SIR HENRY SELWIN-IBBETSON said, he would not detain the House more than a few moments, and had no intention of interposing between the division which the promoters of the Bill appeared desirous of taking; but he thought it right that the views of the Government should be plainly stated in regard to the measure. As he ventured to state to the House last year, it was an entire subversion of the principle upon which the present licensing system was conducted. This proposal was that, without showing any case against the existing authority, without proving that they had in any way neglected their duty, they should sanction the appointment of a body of men elected by the ratepayers. He believed the proposal would be liable to all the objections which could be urged against the Permissive Bill. It would produce continual turmoil in the neighbourhood, inasmuch as there would be constant endeavour to change the character of the representation. It would also bring into play such uncertainty in regard to licences as to withdraw capital from the trade, upon which very much of its respectability depended. He would also venture to bring under the notice of the House that the whole of the clauses of the Bill were full of possible expendi-

ture, and consequently that vast sums of money would have to be spent in connection with the frequent election of the boards it proposed to establish, and consequent burdens in the shape of taxation would be imposed upon the ratepayers. He did not think any case had been made out for altering the principle upon which they had acted for the last two years. The effects pointed out were the subject of consideration at the present moment, and had been submitted to the consideration of a Committee in "another place," and he did not think it was possible—in fact, it would be unwise—to deal with the matter until the evidence they had taken was in the hands of hon. Members. He therefore thought the House would exercise a wise discretion in rejecting the measure.

MR. WATKIN WILLIAMS was disappointed at the shortness of the discussion, but he was anxious that the position in which he stood with regard to the Bill should be made clear. He intended to move Amendments which he believed would meet every objection raised against the measure. The main principle of the Bill was to transfer to an elective body the power of granting licences. He was prepared to suggest a modification of the proposal, under which one-half the licensing authority should be elected by the ratepayers, the other half consisting of magistrates of the localities. He most cordially gave his vote for the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 85; Noes 133: Majority 48.—(Div. List, No. 234.)

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

SUPPLY.—REPORT.

SUPPLY — Resolutions [July 17], *reported*.

First Twenty-seven Resolutions *agreed to*.

Twenty-eighth Resolution *postponed*.

Subsequent Resolution *agreed to*.

Postponed Resolution to be considered *To-morrow*.

Mr. Gregory

**VALUATION OF LANDS AND HEREDITAMENTS
BILL.**

On Motion of Mr. RAMSAY, Bill for the Valuation of Lands and Hereditaments in England, ordered to be brought in by Mr. RAMSAY, Sir GRAHAM MONTGOMERY, Mr. BAXTER, Mr. RODWELL, Mr. JOSEPH COWEN, and Mr. MAITLAND.

Bill presented, and read the first time. [Bill 256.]

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 19th July, 1877.

MINUTES.]—PUBLIC BILLS—First Reading—
Telegraphs (Money)* (152).

Second Reading— Committee *negatived* —
 (£20,000,000) Consolidated Fund*.

Committee—Local Government Board's Provisional Orders Confirmation (Bishop Auckland, &c.), *now* (Hyde, &c.)* (93).

Select Committee—Report—Local Government Board's Provisional Orders Confirmation (Atherton, &c.)* (86)—(Caistor Union, &c.)* (94).

Third Reading—Universities of Oxford and Cambridge (151); Inclosure* (127); Saint Stephen's Green (Dublin)* (134); Pier and Harbour Orders Confirmation (No. 2)* (113)

Metropolitan Commons Provisional Order* (111); General Police and Improvement (Scotland) Provisional Order Confirmation (Leith)* (137); Public Works Loans (Ireland)* (143); Companies Acts Amendment (No. 3)* (141), and *passed*.

**CONTROLLER OF THE STATIONERY
OFFICE—APPOINTMENT OF MR. T. D.
PIGOTT.—PERSONAL STATEMENT.**

THE EARL OF BEACONSFIELD: My Lords, I rise to make one or two remarks upon a Resolution passed by the other House, which is on your Table, and which has been transmitted to us in the usual manner. That Resolution, my Lords, is a censure upon the conduct of the Government with respect to a public appointment recently made. My Lords, the immediate question before us arose in this manner. There was about the time when the present Government was formed—now more than three years ago—one of the Departments of the State which was not deemed to be administered in a manner entirely satisfactory to the public. A

Committee was appointed by the House of Commons to inquire, among other matters, into the general state and conduct of business of that Department. That Committee, after receiving a great deal of evidence, issued a Report of interest and value. My Lords, I do not think that there is anyone who more values the labours of Parliamentary Committees than myself. They obtain for the country an extraordinary mass of valuable information which probably would not otherwise be at hand, or available; and formed as they necessarily are of chosen men from the two most important bodies of the State, their Reports are pregnant with prudent and sagacious suggestions for the improvement of the administration of affairs. My Lords, I have spent the greater part of my life in Parliament, and it has frequently been my duty—always my delight—to vindicate the rights and privileges of Parliament. I have sometimes been charged, indeed, with having taken an extravagant view of those rights and privileges, but I think charged unjustly. But, my Lords, I never for a moment have maintained, nor do I know any personal or written authority that has maintained, that the Resolutions of a Committee of the House of Commons were infallible. My Lords, I think you will see that if that were admitted, the utmost disorder and inconvenience must be occasioned in the administration of public affairs. In the first place, it would entirely destroy the responsibility of Ministers. If, when a public question arises, all that a Minister has to do is to propose a Parliamentary Committee to inquire into it, and if when that Committee has reported, all that he has to do is to incorporate their unimpeachable suggestions in a Bill, and afterwards an Act of Parliament, the House will at once see in what a position of difficulty—of disaster I might say—the Administration and even the legislation of the country might be placed. In the present instance, this Committee offered to the consideration of the country their opinions on all the points connected with the administration of the Department in question, and they offered them in considerable detail. I think the number of Resolutions at which they arrived with regard to that Department were not less than 50. Some of these Resolutions—I may say many of these Resolutions—were adopted by the Govern-

ment, and have been found to work advantageously. Some of these Resolutions were adopted by the Government; but, in their operation, have not been successful, and they have therefore been abandoned. Some of these Resolutions were disregarded after due and deep consideration by the Government. The Department in question, my Lords, is that of the Public Stationery, and the office in question is that of its Controller. Among the Resolutions which were disregarded after the deepest consideration by the Government, was a Resolution that when the office of Controller again became vacant the person appointed to that office should possess the requisite technical knowledge of stationery and printing. My Lords, at the commencement of this Spring this office did become vacant. I was made aware of it by the courtesy of the gentleman who held the office some time before his resignation was formally announced. He told me of it, I doubt not, from a consideration of the difficulties which were likely to attend the new appointment, and in order that the Government might have ample time to consider the matter. It fell to my lot, my Lords, to fulfil that duty—a difficult one, I assure you. I had to consider, therefore, the recommendation of the Committee of the House of Commons that the new Controller should possess “the requisite technical knowledge of stationery and printing.” Now, my Lords, when I considered that Resolution, and when I made some inquiries respecting it, I found that it was one which, as it appeared to me, was utterly impracticable. No doubt, my Lords, there are gentlemen connected with the great private establishments for the sale of stationery in all its forms and descriptions, who possess the intelligence, the education, and the character which would render them perfectly competent to occupy this post in the administration of the business of the country. But your Lordships will see in a moment that persons connected with great commercial transactions, employing a vast capital, and getting a great return for it, could not be tempted to accept a post which, however honourable, is one with nothing of the glare of distinction about it, and the salary of which hardly exceeds the salary of a first-rate clerk or manager in a first-rate commercial establishment. Now,

The Earl of Beaconsfield

my Lords, what would be the consequence of such a position of affairs? To appoint a person who has technical knowledge of stationery and printing—that is to say, to appoint a stationer or a printer—I should have had to appoint some person who had retired from business, or some person from whom business had retired. My Lords, I felt the impossibility of dealing in such a manner with the situation—I could not undertake the responsibility of asking a decayed stationer or printer to fill a post of this character. My Lords, the post is one which requires considerable administrative ability—it requires some official experience, it requires a capacity for labour. These are the qualities which are generally necessary for an administrative office of this description; and it is our custom that they should be coupled with that of education and with the moral reputation which society demands. My Lords, in these circumstances, the question which I had to decide was one of no little difficulty. Your Lordships may say that although it was not possible to appoint a man who had technical knowledge of stationery and printing, it is not to be believed that the superintendence of an important Department of the State, the expenditure of which amounts to £500,000 a-year, should be entrusted to a person ignorant of the particular knowledge without which it was impossible that successful administration could be secured. My Lords, I apprehend that this vote in that respect must have been arrived at under a considerable misapprehension of the circumstances. In the Stationery Office, as it at present exists, there is a complete and organized body of experts in every Department of that Office—men who have special acquaintance with stationery, with printing, and with bookbinding—they are thoroughly capable of deciding all points connected with these trades, so far as the public requirements demand. They are a permanent body, and they supply the individual who is responsible for the administration of the Department with all the technical knowledge which is requisite. Your Lordships will, perhaps, be interested to hear that there are in this Department two examiners and two assistant examiners of printing and of printing accounts; that there is one examiner and one assistant examiner of paper as material; that there is an ex-

miner and two assistant examiners of binding—a very important part of the business of the Office—in short, there is not a single branch of the duties which require technical knowledge which is not already provided with competent experts, whose knowledge is at the service of the Controller. Well, my Lords, it was necessary for me to consider what course I should take. Far from having disregarded the Resolutions and opinions of the Committee of the House of Commons, the present Government have effected in this particular Department most important reforms, and have reduced its expenditure to a material extent. Since the publication of the Report of the Committee, and much in consequence of its suggestions, the expenditure of the Department has been reduced by £40,000 a-year, and at this moment there are changes in progress which will bring about a further reduction of £20,000 a-year. I think this is evidence that Her Majesty's Government have not in any way neglected the recommendations of the Committee of the House of Commons. Upon this point, my Lords, I may perhaps make an observation. It has been said this great saving of the public money, and the great and beneficial changes that have been effected, are a striking proof of the advantage of having as superintendent of the Office a person who has a technical knowledge of stationery and printing; for they have been ascribed to the influence and exertions of a distinguished Colleague of my own who is Secretary to the Treasury, and who, before he entered into public life—happily, I think, for the public—was himself the head of one of the greatest establishments in this country connected with printing and with stationery. I allude to Mr. W. H. Smith, the Secretary to the Treasury—a name known and honoured. Now, I assure you, my Lords—and I make this statement with his full authority, and at his special desire—that none of those alterations in the Stationery Office are at all attributable to his influence and exertions. As Secretary to the Treasury, he has signed all the documents which have appeared connected with that Department; but the truth is, he signed them formally with the full confidence that the work which had been done had been done properly. That work had been done

by a Lord of the Treasury, Mr. Rowland Winn. It was solely by his individual exertions and unceasing care that those great improvements and that saving were effected; and I need not remind you, my Lords, that Mr. Rowland Winn has no technical knowledge of stationery and printing, but is a Lincolnshire country Gentleman. Well, then, my Lords, I arrived absolutely at this conclusion—that it was impossible, with any regard to the efficiency of the Public Service, to appoint as head of this establishment a gentleman who was a real stationer or printer. The question, therefore, arose, in what manner the vacant post could be most efficiently filled up. Some are of opinion that the post ought to have been filled by a literary man—because it had been filled by literary men before, and because that was thought to be a graceful tribute to men of letters. My Lords, I do not think that I shall ever be accused of any want of sympathy or respect for men of letters. While I have occupied my present post, and, indeed, in former times, I have omitted no legitimate opportunity of aiding and honouring men of letters. But I am not aware that I should be honouring literature in this country by placing a man of letters in a post which requires qualities he does not possess, and the duties of which, in consequence, would have to be performed by others. Now, glancing over the names of various men of distinction in letters, I did not find any one of suitable qualifications whom I could have expected to accept the post. But it might be said, although I might not have been able to fulfil literally the Resolution of the House of Commons, I might have found a person competent to carry on the established routine of the Office among the present members of the establishment. Well, my Lords, this is a delicate subject to touch upon; but when the public interest is concerned, I must treat it with frankness, and I trust that in treating it with frankness I shall hurt the feelings of no individual. My Lords, I have ever been of opinion that—not as a strict rule from which there may be no exception, but as a general rule to be observed—it is expedient that when the head of a Department retires, or is promoted, it is not desirable that, as a matter of course, his successor should be found among his subordinates.

Generally speaking, I believe it would lead to obsolete routine and a supine system of administration which it is not desirable to encourage. I do not lay it down as a rule without exception; I can at once admit that if I found a Department conducted with great efficiency—a Department against the administration of which there had been no murmurs—and if I could trace that that efficiency was in a great degree attributable to the energies of some of the second in command—if I may use the phrase—in the Department, I think that that efficiency and that ability would create a moral claim to promotion which I should be the first to acknowledge. But if, speaking generally, as I think it will be admitted, it is not wise that it should be considered a matter of course that a subordinate should succeed to the Chief on his promotion, certainly that rule would particularly apply when we are dealing with an Office, the administration of which was admittedly unsatisfactory. I say this particularly with reference to the Chief Clerk of the Stationery Department (Mr. Reid). I believe him to be an efficient and able officer; I believe that all that was good, or much that was good, in the late administration of the Office may be attributed to him. But, at the same time, the general administration has not been satisfactory, and it appeared to me of the utmost importance that fresh blood should be introduced into the Department. Under the circumstances of the case, my Lords, there was only one course to take. As it was really practically impossible to appoint to the head of the Stationery Department as Controller a retired or unfortunate tradesman; as it was clear to me that from the organized system of experts prevailing in the Stationery Department, all the necessary technical knowledge was to be obtained from men who had been trained as stationers, trained as printers, trained as bookbinders—the three great trades connected with that Office; as it did not seem to me expedient that a man of letters should be appointed merely because he was a man of letters, and as it seemed to me most desirable that, considering the state of the Department, some one should be put at its head that had the requisite qualities for establishing an efficient administration, and who was not connected with

the old system, I had to see whether among the members of the Civil Service I could find such an individual. Well, my Lords, my first intention and my first step was to apply to some of the most eminent members of the Civil Service, and I endeavoured to induce them to retire from the offices which they filled and accept the one that was vacant. My Lords, I was not, on the whole, fortunate in that attempt; and I must say that, on calmly considering the objections that were made to it, I do not think those objections were unreasonable. The gentlemen to whom I applied all held offices equal—not to say superior—in dignity to the Controllership of Stationery, and they all received salaries, equal, not to say superior, in some instances, to that which is accorded to that functionary. Therefore it was asking them to make a sacrifice without any adequate necessity for it. My Lords, what was to be done? I considered then that the best course I could take would be to see whether there was not in the younger members of the Civil Service some one equal to the occasion, and I let it be known that this post was vacant—that it was to be a reward of merit, and that anyone might have it who was fully competent to undertake its duties. Certainly, I did not advertise this in the newspapers, or proclaim it at Charing Cross; but I had the opportunity of making the matter known in official circles; and it was well known in official circles that the claims of any man who had shown that he had distinguished abilities, and that he was competent to cope with such a post, would be favourably considered by me. Well, my Lords, what was the result of that? Six names were placed before me. One of them—and the only name I will mention, was that of the gentleman whose appointment is the subject of this Resolution of the House of Commons—Mr. Thomas Digby Pigott. I will not mention the others, because it might be invidious to do so; but I will name their positions, which it will be seen were not materially different from Mr. Pigott's. One was a clerk of the Treasury. The bias of my mind was certainly to have promoted that gentleman. It has fallen to my lot to introduce clerks of the Treasury to important positions in the Public Service, and they have invariably gained distinction by the opportunity that has been

thus afforded them. Another gentleman was connected with the Office of Works; another was in the Board of Trade; a fourth was clerk in the War Office—the same Department in which Mr. Pigott was—and another was in the Geological Survey Office. These were the six gentlemen who were brought under my notice as being competent to fulfil high administrative duties. I believe that all of them are men who will rise in the Public Service, but I could not appoint all six. I had to make a selection. I made every inquiry, and I finally decided to offer the post to Mr. Digby Pigott. He had not asked for it—indeed, he would probably have looked upon it as an act of great presumption to ask for it. No friend of his ever interfered in the matter. His name was brought before me by a gentleman who has as large an experience of business in our Public Offices as probably any living person, and who, from his observation alone, had fixed upon Mr. Pigott to recommend him upon his merits. And not only did no friend of Mr. Pigott's interfere in the matter, but Mr. Pigott himself was unaware that he had been proposed for the post, and was greatly astonished that his name had ever been brought before me. My Lords, I mention this, because it has been said, in an Assembly almost as classical as that which I am addressing, that this appointment was a “job,” that the father of Mr. Pigott was the parson of my parish, that I had relations of long and intimate friendship with him, that he busied himself in county elections, and that in my earlier contests in the county with which I am connected, I was indebted to his exertions. My Lords, this is really a romance. Thirty years ago there was a vicar of my parish of the name of Pigott, and he certainly was father to Mr. Digby Pigott. He did not owe his preferment to me, nor was he ever under any obligation to me. Shortly after I succeeded to that property Mr. Pigott gave up his living, and retired to a distant county. I have never had any relations with him. With regard to our intimate friendship and his electioneering assistance, all I know of his interference in county elections is, that before he departed from the county of Buckingham he registered his vote against me. And, my Lords, it is the truth—it may surprise you, but it is the truth—that I have no personal

acquaintance with his son, Mr. Pigott, who was appointed to this office the other day. I do not know him even by sight. And yet, my Lords, this narrative was the basis of the principal address upon which this Resolution of the other House was founded; and I am told by a gentleman who, necessarily, from his position, is the best and most competent judge of such a point, that if that statement had not been made there would not have been the slightest chance of the Resolution being carried. My Lords, there is in this question something much more than personal feelings to be considered. When such a Resolution was passed by the other House, and laid upon your Lordships' Table, I should have felt it my duty, under any circumstances, from my respect for Parliament, to have brought its consideration under your notice. But, my Lords, I am greatly mistaken if there are not considerations connected with this question much graver and deeper than personal feelings and personal interests. I will not dwell on the case of Mr. Pigott. Mr. Pigott, though of gentle birth, is the younger son of a younger son—the cadet of a cadet—and had nothing to depend on in this life except the salary which he had obtained by 17 years of honourable and not undistinguished labour in the Public Service of which he is a member—known there by eminent Ministers, now in this House, to whom he was Private Secretary, and known also for his distinguished services as Secretary to a Military Commission to which, I believe, some Members of your Lordships' House belonged. Having, of course, given up his appointment, nevertheless he did not hesitate, after the Resolution of the House of Commons, with the promptitude of a gentleman, to place the resignation of his new office in my hands. He is, of course, without resources; and why? Because for 17 years, having done his duty in a manner which never had been impeached, having obtained reputation even in his modest career, without soliciting promotion, ignorant that his name was brought before the Minister who could promote him, he was promoted for his sheer merits, and for his sheer merits alone. And now, unable to go back to the post which he filled—for that has naturally, of course, been immediately given to another—he finds himself in a position of honourable,

but absolute destitution. I do not ask you to think of these things. If it is for the public interest that they should occur, they must occur. If it is for the public interest that Mr. Pigott should be placed in such a position, he must meet his fate. But, my Lords, there appears to me to be a much more general, a much deeper question, for us to consider at this moment. I have the opportunity of now addressing men, many of whom have been in the habit of transacting great affairs, and who know and have felt the terrible responsibility of Government. My Lords, how many of you there are, who, when Ministers of the Crown, have on occasions felt that there is a special reason for appealing, and a special object to be attained by appealing, to some member of the Civil Service, and asking him to relinquish his post and take another for the public interest and the convenience and advantage of the Government of the day? But can you appeal to a gentleman in that position now, if a Resolution, passed in a complete misapprehension of the facts, lays down the principle which I deplore to see expressed in the Resolution to which I have referred? Why, you might go to such a person, and he would naturally say—"Well, I have a post of £700 or £800 a-year, and a prospect of the salary increasing by the constancy and assiduity of my labours. You tempt me by an increased salary, you tempt me by higher duties, you touch the ambition natural to all men, and you appeal to that public spirit which, without exaggeration, is a distinguishing mark of the Civil Service of this country. But if I accept the post, what security have I that Parliament may not interfere with the Executive in the performance of the duty which has hitherto been regarded as the peculiar function of the Executive; and what guarantee have I that, in endeavouring to assist the public interest or the Administration of the day, I may not find myself absolutely destitute, with a family to provide for?" It is open at any time for somebody to get up in the House of Commons and say—"I understand Mr. So-and-So is appointed to be Controller (we will say) of the Stationery Office, with £1,200 a-year, who was only a clerk with a few hundred pounds before. This is an infamous job; I can prove to you that his father, or his grandfather, his brother, or his nephew,

The Earl of Beaconsfield

was once the election agent of a Member of the present Cabinet, and I call on you to denounce this flagitious arrangement." My Lords, I would hope that the House of Commons will consider this case in a different, a milder, and a juster spirit. It is a generous Assembly, and I am convinced that had it been aware of the facts, it never would have arrived at such a conclusion. But if Mr. Pigott is sacrificed, I am equally at a loss to know how I can meet the wishes of the House of Commons. I cannot place at the head of the Stationery Department a person who is technically a printer or a stationer—everybody who is consulted on the subject will give the same opinion—and I doubt not that your Lordships on both sides feel that such an arrangement is not only absurd, but is from the manner in which this Office is organized utterly unnecessary, for all special and technical information is provided. This appointment was, in my opinion, a good appointment; it was, in my opinion, an appointment which would have benefited the Public Service; and I am sure that never was an appointment made with purer motives. My Lords, under these circumstances I have felt it my duty to make this explanation in vindication of my conduct—I do not say of the Government, because, of course, from the nature of things, I am individually responsible. I have acted from no motive of which I am in the least ashamed. I have been influenced solely by a desire to advance the public interest; and, therefore, I think your Lordships will scarcely be surprised when I say that I cannot feel myself justified in accepting the resignation of Mr. Pigott.

EARL GRANVILLE was understood to say that the noble Earl not having given any public or private intimation of his intention to make the interesting statement which their Lordships had just heard, it was not to be expected or wished that the House should now enter upon the consideration of what had occurred in "another place." He (Earl Granville) desired, however, to state his opinion that the noble Earl had most naturally come forward, believing that the House of Commons had acted without a knowledge of the facts, to give an explanation of the circumstances which had led to the appointment. There could be no doubt that the right of bringing

public opinion to bear on the exercise of Government patronage was one of the most important safeguards to the good government of the country. He believed, however, that their Lordships would think it better not to discuss this case on its merits, but to leave the House of Commons to consider the statement which the noble Earl had just made.

LORD PENZANCE said, he had the honour to be Chairman of the Commission on Army Retirement to which the noble Earl at the head of the Government had alluded. Mr. Pigott was Secretary of that Commission. It sat something like 18 months: it had to go through a vast mass of details, to group facts together, to draw conclusions on particular cases, and to place side by side with each other the claims of various classes of officers. In the investigation of those matters the Commission had the assistance of Mr. Pigott, and his only object in rising on that occasion was to state that, in his opinion, a more assiduous, a more intelligent, or more capable man for the duties he had to discharge in connection with the Commission could not have been found than Mr. Pigott; and, so far as he could judge, that gentleman was fully capable of taking charge of a Public Department. He had great pleasure in testifying to his great ability, and to his great success in the work he undertook.

THE EARL OF NORTHBROOK rose for the purpose of stating that when he was at the War Department Mr. Pigott filled the office of his private secretary, doing his work to his entire satisfaction, and showing himself an able and excellent public servant. He could express no opinion of the qualifications needed for the Stationery Office, having no knowledge of its working, or of the Report of the Select Committee; but he had felt it his duty to say what he knew in regard to Mr. Pigott.

VISCOUNT CARDWELL did not rise to say anything in praise of Mr. Pigott, because he did not understand that anybody had cast any imputation on that gentleman in regard to the duties he had hitherto discharged. But he could also bear testimony to the faithful and efficient manner in which Mr. Pigott performed his duty at the War Office. He discharged his duties most faithfully and most ably—and when the noble Earl who had just sat down left office, he

(Viscount Cardwell) recommended him to the noble Marquess who succeeded—and, if his memory served him, he had also had another opportunity of giving the same favourable opinion of Mr. Pigott's capacity and service.

UNIVERSITIES OF OXFORD AND CAMBRIDGE BILL—(Nos. 114, 138, 146, 151.)

(*The Marquess of Salisbury.*)

THIRD READING.

Order of the Day for the Third Reading, read.

THE EARL OF HARROWBY said, he trusted that the Commissioners, in carrying out the provisions of this Bill, would keep in mind the importance of offering every facility and encouragement to young men who wished to enter the ministry of the Church of England to obtain an education at the two Universities. He could conceive no greater mischief to the country than that her future Clergy should be driven from the Universities by any loss of the encouragements which already existed, and be educated at Theological seminaries. Such a course would destroy the intercourse that had hitherto freely prevailed between the Clergy and family life. The Clergy ought to be, as they had been, as much as possible educated with the Laity, and have free communication with them, and should not be required to pursue at all times studies which were purely theological. They should be encouraged to pursue a wider range of study, and not have their minds narrowed to the habits of a caste. It was one of the greatest evils of the Roman Catholic Church, but it was essential to its constitution, that the Clergy should be educated apart. Therefore, he would urge upon the Royal Commissioners who were to carry into operation this Act of Parliament to consider the very great importance of encouraging, by every means within their powers, the education of those who purposed to enter into Holy Orders, so that they might be kept as much as possible at the Universities, and their views and feelings kept in harmony and sympathy with other classes of the community.

Bill read 3^d, with the Amendments; further Amendments made; Bill passed, and sent to the Commons.

RUSSIA AND THE PORTE—THE CIRCULAR DESPATCH OF THE OTTOMAN GOVERNMENT.

MOTION FOR PAPERS.

LORD CAMPBELL, in rising to call attention to the progress of the War between Russia and the Porte; and to move for a copy of any Answer from Her Majesty's Government to the Circular Despatch of the Ottoman Government to its representatives abroad, dated the 25th January, said: My Lords, it will not, I think, be difficult to explain in a few words a change of form which is apparent in the Notice I have given. The despatch from the Ottoman Government of January 25th is one of the most important which late events have drawn out; because it contains, elaborately stated, their reasons for declining the last proposals of the Conference, and, at the same time, a sketch of the alternatives they offered. My impression was, after a good deal of research, that it had never reached us, except by foreign journals; but it now appears in the 15th Paper on the East, long after many things ought to have preceded it. But this is a small matter, so long as the despatch itself is not entirely unnoticed. I am far from urging that the Government were bound to answer it, although I move for any answer they have made. If they have made none, it stands intact as a reply to all the grounds on which the aggressive war against the Porte has been excused.

Having given Notice also to call attention to the progress of the war, the House will possibly allow me to make some further observations, which events, as they move on, might soon render irrelevant. To justify the term aggressive as applied to the part of Russia—a term which some may disapprove—let me take refuge in the reply of the Government to Prince Gortchakoff, dated May 1st. A document more grave, as I think more conclusive, has never left the Foreign Office. It is pointed out, with more or less detail in it, that the Russian declaration violates the Treaty of 1856, and mocks the principle laid down in 1871; that the Porte was not bound to signify its acquiescence in the Protocol; that the pretension of the Czar to represent the views and interests of Europe was altogether inadmissible.

One point the reply of the Government omitted, as it was not, perhaps, desirable to lengthen it. It is the fact, as stated by Lord Augustus Loftus in a despatch of April 6th, that Russia insisted on a manifesto from the Porte, after the Protocol had been imparted. Had it been otherwise, the Porte would have been responsible for the manifesto which appeared. But we learn from Lord Augustus Loftus that neither silence nor evasion, nor even verbal statement, was left open. A manifesto seemed to be insisted on, because a pretext for invasion was essential. The manifesto was elicited, and the invasion was commenced. Everyone may thus be led to see that the aggression was unwarrantable; but it requires greater patience to observe that it is much more unwarrantable than those of 1828 and 1853. In 1828, besides other pleas, the Russian Government had certain topics of complaint against the Porte as regards the imperfect execution of a Treaty—namely, that of Bucharest. When the present war began the conduct of the Porte involved no wrong, however shadowy, to Russia. In 1853 the Czar Nicholas was, in some degree, invoked to protect the Greeks against the Latins at Jerusalem. Russia has not been invited to her present task by any creed or interest whatever. The Exarch of Bulgaria never summoned her across the Danube. The Patriarch of Constantinople sends up open prayers for her discomfiture. The plea advanced is no equivalent to such a demand. When a Power has fomented insurrection in another country, and when that country has repressed it with wild, vindictive, or even barbarous severity, the Power which fomented it can have no *lex standi* of indictment, although other Powers may be qualified to claim one. The final cause of the atrocities cannot be the judge or the avenger of the crimes it has produced. But neither in 1828 nor 1853 could it be said that during the three previous years Russia had combined with other Powers against the Ottoman Empire. She had not then directed the subversive force of the Holy Alliance to any Eastern object. She had not made Commercial Treaties a lever to detach the vassal Principalities from their allegiance. She had not armed, let loose, directed Serbia in a rebellious war against the Suzerain whose fortresses

had been imprudently entrusted to it. She had not flung the Prince of Montenegro into the Herzegovinian strife, to feed and to extend it. She had not for 10 previous years employed at Constantinople, a diplomatist of great ability, no doubt, and only true to his instructions; but now proved by uncontested documents to have laboured for the gradual dismemberment of the State to which he was accredited. Above all, at neither of those periods was Russia making war against a Constitution recently inaugurated. The just conclusion would therefore be, not only that the step of Russia cannot be defended, but that it assumes a darker hue than those which have immediately preceded it, although among the similar attempts in the last century, which Major Russell has enumerated, some might be found perhaps to rival it in blackness. Since April 24th it has gone on unresisted except so far as the armies of the Porte, the waters of the Danube, together with the insurrection in the Caucasus, have been able to retard it. It is worth while to inquire briefly how far such a position can be deemed a satisfactory one. To maintain that it is not satisfactory implies no strong reflection on Her Majesty's Government. Their attitude may be the same as they described themselves at the beginning of the Session—namely, that of men who, anxious on conviction of their value to uphold the Treaties of 1856, find themselves impeded or discouraged by the faint support they get from some who were more immediately the authors of them. At the same time, we must recall the fact that they are utterly unexecuted, while all the pretexts for neglecting them have long ago been answered. The Proclamation of Neutrality does little to facilitate adherence to them. In point of fact, it favours the belligerent whom they engage us to resist. It was not demanded by neutrality. In 1828, as far as I can learn, there was not such a proclamation. In 1853 there certainly was not, although neutrality continued from July, when Russia crossed the Pruth, down to March, when Great Britain became an actual belligerent. Sir Robert Phillimore explains, in his text book, that a neutral is not bound to make a proclamation of the kind. You gain nothing by it. If it is desired to prevent British subjects mixing in the

war, the Foreign Enlistment Act suffices. The proclamation only serves to flatter, where it is a duty to withstand.

Beyond that, if the independence and integrity of the Ottoman Empire are desirable, both are violently outraged. If, as some reasoners contend, it would be better to have a more enlightened, civilized, tenacious Power on the Bosphorus—whether its origin was Athens or Vienna, whether its type was Federative or Imperial, whether it was connected with the Protestant, the Greek, or Latin form of Christianity—their hope is perishing before them. To a solution of the kind, Russian arms, when they succeed, are an inexorable barrier. It will not become a fact; but it will even cease to be a vision.

But as soon as it is seen that the success of Russia would be a blow to Europe, we are forced to own that the Porte is making war for all the nations which abandon her.

However, there is yet a more striking point of view in which the present state of things can hardly be defended. The favourite aspiration of the moment is thrown overboard. The improvement of the races subject to the Porte, when it might have been triumphantly secured, is ruthlessly abandoned. If Treaties were now observed even within narrow limits, and at little hazard or expense, no reform would be impossible. To defend the Porte is to control it. It is not any theory on my part. It stands on record that in 1854 and 1855 Lord Stratford de Redcliffe obtained concessions which at another time could scarcely have been granted, even to a mind so energetic and imperious. If Treaties were now observed, the Ambassador would be capable of anything. He could appoint Viceroy, organize tribunals, regulate finance, establish companies, overrule Grand Viziers, guide assemblies, restore ability to councils, and fling corruption out of Palaces. As things stand, he is placed in a manner utterly deplorable. By long tradition he is forced to use the language which becomes the organ of a defending Power, while that Power is hardly making any preparation to defend. When he advises he is an unauthorized, unwelcome, and importunate disturber. When he does not, he is an empty form and ceremonial nonentity. It is no reproach to him whatever that

it should be so. The fault belongs to those who keep the Treaties unfulfilled. The result is incontestable. The British Embassy, which used to be the Mecca of the races no other Mecca lures towards it, is paralyzed, in deference to men who hypocritically clamoured for their benefit, but now throw off the mask which sat so cleverly upon them.

At no period would such a situation be desirable or acceptable. But we are forced to reflect upon the time at which it happens. It happens when the fate of Denmark in 1864, the concessions on the Black Sea in 1870, the sacrifice of public law at Washington more recently—even without reproaching the successive Governments who had to do with these transactions—required to be balanced and redeemed: when national decline in foreign policy at least had reached the lowest point compatible with safety, and when a rare and long-required opportunity is granted, to re-establish on its former height the lowered honour of the Kingdom. Remarks of this kind, without even pretending to do justice to the topic, far less to exhaust it, may yet provoke the question of what should now be done to put an end to a position so derogatory—a question which nothing but official knowledge can dispose of altogether. But without that knowledge one preliminary step might be adverted to. It is that of renouncing a set of improvised, of artificial and untenable opinions, framed, as it were, by order and design to reconcile the country to what would otherwise be viewed as insupportable. One is that Great Britain can depend on Austria for the exertion she is not willing to partake. A less bold interpretation might suggest that the Powers reciprocally paralyze each other, in a mode which happened to two commanders of an Army at the end of the last century—

“ Lord Chatham, with his sabre drawn,
 Stood waiting for Sir Richard Strahan.
 Sir Richard, longing to be at 'em,
 Stood waiting for the Earl of Chatham.”

The next is that Egypt might indemnify Great Britain for anything which happened on the Dardanelles or Bosphorus, the very bait which more than 20 years ago was prudently rejected. If one point is better settled than another in discussions on the Eastern Question, it is that Egypt will always gravitate to the Power which has Constantinople,

Lord Campbell

and that without such gravitation the Power which has Constantinople would move towards it and appropriate it. But I leave that topic to men who have commanded armies or men who may command them. Another of these idols which darken policy at present, is that Russian aggression has any pre-determined limit. Nothing can be urged in its defence, except that in 1829 Russia did not go beyond Adrianople. But why did she not go further? Count Moltke, the eminent historian of the campaign, has thoroughly explained it. It was not a matter of forbearance or diplomacy. Disease among the troops imposed a limitation on their progress. But of all the fallacies which rage like epidemics in the air, the most pernicious in its natural effects is, that after doing nothing in the war, we shall be able to step in and to control negotiations for a settlement. There is not one example in modern times to justify the fatuous assumption. Not a grain of *a priori* reason can be offered to defend it. On several occasions its utter folly was illustrated. In 1866, Napoleon III., after neutrality, wished to influence the peace between Austria and Prussia. In spite of all the genius, reputation, and pre-eminence, which at that time he commanded, he had no more voice in the adjustment than the Prince of Monaco. In 1871, many European States were solicitous about the definite arrangements between Germany and France. They were no more heard upon them than the American Republic. There is a further illustration, which, although more distant as to time, comes home to us more forcibly. After the war between Russia and the Porte of 1828-9, the Duke of Wellington and Lord Aberdeen would have given anything to control negotiations. The whole course of their ideas has been brought before the world in a recent volume, by the successor of one of them, so that there is no excuse for overlooking it. These two distinguished men reflected gravely on the Treaty of Adrianople. The despatch of the Earl of Aberdeen might be cited as a masterpiece against it. It does not appear, however, that they were able to revise a comma or to regulate a paragraph in the obnoxious stipulations against which they had protested. Men who look forward to such a power under such

conditions, have not learnt the alphabet of international affairs, or cannot draw an inference from the events which recent history might have forced upon their notice.

If these illusions, and some kindred ones I pass over, were removed, sounder principles would vindicate themselves, and proper measures might emerge, without anyone being wanted to explain or recommend them. Their outline cannot be mistaken. The indispensable preliminary must be—in whatever manner we effect it—to regain the confidence and accord of the Sublime Porte itself, without which all operations of an effective nature are prohibited. That bar once removed, such movements appear to be desirable, as would lead to no collision with any European Power, and yet would stifle the designs upon the Bosphorus, which are repudiated in despatches, but to which inaction on our part gives prolonged vitality and irresistible encouragement. The Embassy would then at once recover its authority. The pretexts of the war might be annihilated, not by the violence of Russia, but the counsels of Great Britain. When they were gone, it would be difficult to prevent the Governments of Europe from uniting in remonstrance with St. Petersburg, as they did in 1863, upon another subject. The balance of power might be restored, whether or not the war was quickly put an end to. At all events, the greatest influence would be secured in any Conference at which the ultimate arrangement of the Eastern Question might be handled. As things are now gone on, two alternatives confront us. We are moving either to the verge of a division between the three Powers, such as that which happened at the end of the last century; or to the verge of a conclusion between Russia and the Porte like that of 1833 at Unkiar Skelessi, when Russia gained a special right of entrance to the Dardanelles, and when, on Asiatic soil, the general indignity of Europe was recorded.

My Lords, it would betray a most imperfect estimate of things and men, which could not be excused at such a moment, for anyone to dwell much—however cautiously—on practical suggestions. The difficulty is elsewhere. As to strategic methods of upholding our honour and our interest, the Government, I dare say, might listen three

hours a-day without hearing all the persons competent to offer them. The want is not in schemes, but resolution to adopt them in the face of what are deemed to be considerable obstacles. Those obstacles are foreign and domestic. Although it is habitual to contemplate the latter, and to shrink before them, it seems to me they vanish when they are approached.

As to Parliament in one House, the Government have lately had a majority of 130 on the Eastern Question. As to agitation, it is silenced. But the agitation which existed in the Autumn, was an agitation for peremptory interference with the Ottoman Empire. Interference of that kind it has been long ago established has no foundation but defence. It was in point of reason, therefore, an agitation for defence, and cannot render it impossible.

The late Government have been referred to often as an obstacle. If, indeed, the late Government were an united body on the Eastern Question, they might powerfully urge some course they had in view, or intercept with equal force a line they disapproved of. But it is no reproach to them to say they cannot be united on it. Placed as they have been in former times they cannot escape the influence of Lord Palmerston on the one hand, and of their more recent Leader on the other. They are bound by ties of gratitude, of sympathy, and of convention, to listen to authorities so diametrically opposite. Hence, it is fair to judge the wonderful variety of judgment which escapes their Bench upon the subject. When traced to its cause, their oscillation is in some degree a merit. But so long as it prevails, they cannot be a formidable obstacle. But some contend that their former Head, in his detached and separate existence, is invested with that character.

Far be it from me to question the importance of the late Prime Minister upon the Eastern Question. In the eyes of all who analyze its sources, the present war has been created by him. To create an European war, without being at the time the Leader of an Opposition, or a Government, or Party, has hardly ever fallen to the lot of any individual. The achievement is remarkable, however little to be envied. In spite of the activity and energy which it condenses, it may be shown that he is not so placed

as to obstruct with much facility the measures policy requires. More loudly, more conspicuously, and much more frequently than others, he has called out for interference to bring the races subject to the Porte under the protection of Great Britain. He cannot deny that the British Embassy at Constantinople is the only instrument in our hands to further such an object. He cannot deny that it is paralyzed by our inaction. He cannot deny that it would be revived by our efforts. The conclusion rapidly presents itself. The more Great Britain spends in upholding the Sublime Porte against hostilities, the greater her ability to dictate its policy, reform its institutions, vindicate its subjects. If a Vote of £1,000,000 was proposed, the late Prime Minister ought to insist on its being doubled. Where is his escape? Can he refer to Russia as an object of unlimited credulity? Can he refer to Russia as the reforming and regenerating instrument against Mahomedan dominion? He might: but more than 20 years ago he joined in war in order to resist so odious a pretension. These obstacles may therefore be dismissed as wholly insignificant. They cannot weigh upon the counsels of a Government. But with regard to the foreign set, more gravity belongs to them. It cannot be denied that Great Britain nearly finds herself alone—France and Italy, on whom she might have counted, are deemed to be incapable of action. Germany and Austria, since 1874, have been moving in a Russian orbit, although this very war is tending to detach them from it. Let it be granted that to avoid war with Russia is important, although it may not be imperative. Let it be granted that it ought to come, rather than “sooner,” “later,” and rather than “later,” not at all. If you desire to avoid a given form of conflict, it is not inappropriate to ask how you formerly got into it. The biographers of Lord Palmerston have made it wonderfully clear to us. We learn from them that during 1853 two modes of thought were brought into collision at every new juncture within the Cabinet itself. Lord Palmerston, time after time, was constantly suggesting to the Prime Minister proceedings to admonish Russia, the Prime Minister insisting on proceedings to conciliate her. On each occasion which arose, Lord Palmerston desired to act

upon her fears, Lord Aberdeen to soothe her pride and count on her forbearance. The Prime Minister, of course, succeeded in determining his Cabinet. He was bound to do so. But yet a bloody war was the result of his miscalculating leniency. It is worth while to reflect whether we are not now advancing to the same rock, over the same waters; of ambiguity, of oscillation and inertness; of efforts to cajole where it is essential to intimidate; and to believe where ten times fortified distrust, yet more than walls or arms, is the security of Empires.

It may be asked, however, whether there is any favourable precedent for acting upon Treaties when Great Britain is not surrounded by allies. To everyone who reflects upon the foreign policy of modern times, a precedent might easily suggest itself. In 1826 Portugal was attacked by bands which started from the Spanish territory. The *concordia* arose, which binds Great Britain to come forward. If the ingenious mind of Mr. Canning had not been governed by a strict regard for national engagements, it would have been easy to attenuate it. The diplomatic novelties in which the present Session has abounded would have rapidly effaced it. When the Government of that day resolved upon their expedition to the Tagus, it was undertaken in a spirit adverse to the Holy Alliance, while France and Spain were both co-operating with that system. Many Powers might have joined to check the Expedition, while none was certain to support it. It triumphed without bloodshed. Its promptitude was such that the decision of our Government was only known to the inhabitants of Lisbon when they observed the ships, with 10,000 men, advancing to their rescue. It brought immortal credit to its authors. It was followed by repose for nearly 30 years. In all time it was a lesson that prudence and audacity are not incapable of union. It added to the public stock of character authority, prestige of which safety is the offspring; the public stock which now dissolves under our eyes.

On the whole, the foreign obstacles to action, although much graver than the other class, can hardly be considered insurmountable. One fact, which has not in our various discussions been quite sufficiently alluded to, does much to balance and control them both together. It is, that policy and sentiment are as

remarkably united in favour of the measures any Government would contemplate. Policy requires the Mediterranean to be guarded against a Power which is shown to be aggressive or unscrupulous. Sentiment demands that the Crimea shall not be turned into an unprofitable charnel house. Policy requires that the European balance should be upheld against hypocrisy and violence. Sentiment insists that those who rode at Balaclava shall not be mocked by the surrender of all the objects which they rode for. Policy exacts the maintenance of Treaties which such men as Lord Palmerston and Lord Clarendon established. Sentiment obliges nations to place their honour above money, since money soon returns, and honour lost is irrecoverable. Policy enjoins that the Egyptian and other routes to India should be open. Sentiment reminds that the co-religionists of Christendom ought not to be left to Ottoman misrule or Muscovite rapacity, and they are left to both so long as this attempt is wholly unresisted. A Minister who acts with policy and sentiment behind him cannot easily be daunted. He may defy the spirit which broke out a year ago and still perplexes our counsels; which first began to traffic on Bulgarian excesses; which then disparaged efforts to relieve them; which then confederated with the guilt which had produced them; which afterwards endeavoured to sow dissension between the late Plenipotentiary and those who had appointed him; which raged and fumed against the Treaties; which, last of all, succeeded in hounding Russia into war; and now, with furious philanthropy, exults in the depopulated villages, the blood-stained territory, and wasted harvests of the country it befriended. At least, it is not too soon to refer to the precedent of 1826, if any good can be derived from it. An eminent authority on that part of the subject is reported to have said that the present war is not directed against India, where tried organization, large resources, and the charm of seldom interrupted victory, might well enable you to grapple with it. Its aim is less remote, its character more menacing. We have waited for the passage of the Danube. We have waited till the Balkans have in some degree been traversed. Shall we wait till Adrianople has been occupied: or till

the last defence—the line traced out by Sir John Burgoyne—has been approached? That line is distant from Constantinople only 20 miles. It connects two seas. According to Sir John Burgoyne, 60,000 Asiatic, and 40,000 European troops are wanted to defend it. Of one thing we may be sure, that, when it is approached, gold and iron will be joined in the exertion to surmount it. If that fails, shall we protect Stamboul after the European suburb has been occupied? Or, last of all, shall we hang up our unintelligible interests and shattered Treaties at Gallipoli?

My Lords, there are two paths: the path of preparatory measures without war, and that of war without preparatory measures; the path of honour leading to repose, and that of national reproach, conducting to entanglement, to struggle, possibly disaster. By sending back the Fleet the Government may seem to have adopted the becoming one. I recognize the circumstance. It is too late for them to quit it. I only venture to remark, that on that path, if they are enchained, they ought to be released; if they stand still, they ought to move; and, if they move, their movement ought to be impelled by the united voice of this House and of the public, in spite of every tool which the aggressor may employ.

The noble Lord concluded by moving for any answer to the Circular despatch of the Ottoman Government to its Representatives abroad, dated January 25th.

Moved that an humble address be presented to Her Majesty for, Copy of any answer from Her Majesty's Government to the circular despatch of the Ottoman Government to its representatives abroad, dated 25th January,—(*The Lord Stratheden and Campbell*).

EARL GRANVILLE: My Lords, I think it may be convenient, before the noble Earl the Secretary of State for Foreign Affairs rises to reply to my noble Friend, if I make a few observations that occur to me, and give him a few minutes to think over and decide whether the speech which has just been delivered by the noble Lord, is favourable or antagonistic to Her Majesty's Government. Certainly, I have no desire in anything I may say to embarrass the noble Earl or Her Majesty's Government at the present crisis, when they have to deal with a very difficult and

complicated question. Before I go to the subject-matter before your Lordships there is one point to which I wish to allude. The noble Lord who has brought this question forward has, I believe, made more Motions on the subject than have all the rest of your Lordships put together. Of this in itself I do not in the least complain, as I do not conceive anything less expedient than that a limit should be placed to the discretion of any Peer in regard to raising discussion in this House on any question which he thinks of public importance and interest. But not only has the noble Lord made so many Motions on this subject—he has also taken a course almost peculiar to himself of almost indefinitely multiplying the Notices of those Motions. The present Motion of the noble Lord was given Notice of, in the first instance, for the 9th of this month; it was postponed to the 12th, afterwards to the 16th, and now it comes before your Lordships on the 19th, without the slightest public or private Notice of the postponement, so far as I am aware. I presume that some communication was made on the subject to the Clerk at the Table, but I certainly have not been aware whether the Motion was to come on or not. It is not convenient for your Lordships who regularly attend the Sittings of this House that such a course should be followed, and certainly it is inconvenient for those noble Lords who come down chiefly to attend debates on important questions. I have no doubt that the inconvenience I complain of was perfectly unintentional on the part of the noble Lord, but it does really seem to imply some want of courtesy and to involve unnecessary loss of time to the noble Lord the Secretary of State for Foreign Affairs, who at this crisis must otherwise have so much on his hands. Carried to this point, such a course of proceeding amounts to an abuse. With regard to the Question before the House the observations I shall make will be very short. The Eastern Question is one of a very important and complicated character, and one which, if we were to go into it, would require to be gone into at great length and with great consideration. We are now placed in a state of suspense. The Russians have had great reverses in Asia; but, on the other hand, they are advancing in European Turkey,

Earl Granville

where they have already overcome one if not more of the great difficulties of the campaign—certainly not an easy one when we consider what has to be done. The principal lesson, I think, to be inferred from what they are doing is this—that any nation which, whether impelled by its own private interests, or by sympathy with other populations, or from mixed motives, undertakes to deal alone with those great and important questions in which every country in Europe has directly or indirectly some interest, and claims more or less to have a voice in their settlement—that any nation so acting alone in these circumstances exposes itself to enormous sacrifices which can hardly be compensated by success. The noble Lord who brought this question before your Lordships (Lord Campbell) used some strong expressions with regard to the ambition of Russia; but I am glad that he had the good sense not to advert to what is now a very usual topic—I refer to the horrors alleged to have been committed by the Russian army. I do not know whether these horrors are true or not. No war takes place without a great many unnecessary horrors being committed; and, not unnaturally perhaps, each belligerent is apt to attribute to its opponent the commission of a great many of these horrors. Now, I understand that in this case Her Majesty's Government have received information which comes chiefly from Turkish sources. Independently of the bias which belligerents have in the way of attributing irregularities to their opponents, the feeling of horror at Turkish atrocities has been shown in this country among Liberals by Conservatives and by Her Majesty's Government, has had its influence upon Turkey, which not unnaturally desires to take advantage of that feeling in trying to influence the policy of this country by making the most of her complaints against Russia, and the noble Lord who has just addressed us has acted wisely and discreetly in reserving any observations he may wish to make on the subject until the official Papers are before us as to the truth of the matter. With regard to this strong outcry that has been raised against Russia, I am certainly not inclined to become the defender of Russia—it is not my business to do so; but one thing occurs to me—what is the practical result of the violent speeches

which are made here against Russia? Is it not to induce the Turks to rely on that assistance which Her Majesty's Government have told them they will not receive, but to the hope of which, nevertheless, they still cling at this moment? I am afraid, too, that there is an influence exercised in this country in regard to these matters with a view to try and drive Her Majesty's Government from that policy of neutrality which I believe to be our true policy under the circumstances. And with regard to Russia, supposing her victorious, its effect must be to induce her to listen more to the voice of other nations than to that of England. And further, I am afraid that such speeches tend to excite the feelings and prejudices of this country—in some cases very creditable, but which, on the other hand, might tend to drive the Government from that position of neutrality approved of by the country. I believe the only true policy to be observed on this occasion is that of neutrality, which Her Majesty's Government have declared their intention of following. There were certainly rather vague declarations made about protecting "British interests;" but explanations have been made on that subject by a Member of the Government in "another place" which have generally been regarded as satisfactory. An event happened some time ago which created considerable uneasiness in this country—namely, the despatch of our Mediterranean Fleet to Besika Bay. It is not for me to inquire whether those movements of the Mediterranean Fleet are calculated to add to the dignity or strength of this country, or are likely to be of any practical use; but Her Majesty's Government, by the same organ, have given explanations which tended to remove the alarms which existed at the moment in the minds of the people; and if we read the Papers we find that satisfactory assurances have been offered by the Secretary of State for Foreign Affairs to other Governments with regard to the movements of that Fleet. There is one point to which I wish to refer. I am not aware that during the course of this Session Her Majesty's Government have given any countenance to that wild talk which prevails now, and which has persuaded a great many of our foreign friends as well as foreign enemies to believe that we—departing

from the statement of the noble Earl the Foreign Secretary that we are strong because we fear nothing and want nothing—that we are departing from our great principle of neutrality:—but there is a feeling abroad that we are meditating all sorts of annexation and additions to that extended Empire over which Her Majesty so happily now rules. I cannot but believe that Her Majesty's Government are fully alive to such schemes not only being contrary to all international morality, but opposed to wise policy, and of the worst possible example to other States. Events abroad may happen—things may be done or announced by Her Majesty's Government at home—which would require immediate and full discussion in Parliament, and I do not complain that any noble Lord should initiate discussion on these things:—but, in the meanwhile, I do not myself see any practical objects to be gained at the present moment by further debates. I hope the House will understand that I make no complaint of any Peer taking a different view. All that I wish to guard against is the notion that if I do not enter into debate on the question that has been raised, and if my Friends behind me take the same course, it is not because we shut our eyes to the great gravity of the present situation and the consequences which may arise, or from any blind indifference as to the policy of Her Majesty's Government.

LORD STANLEY OF ALDERLEY hoped their Lordships would not let the subject drop without expressing an opinion on the cruelties committed by the Russian troops. A leading Russian organ had attempted to excuse many of these cruelties on the plea of military necessity; but there was no military necessity for such treatment of the women and children. The only object of these cruelties on the part of the Russians was to drive the Turks into acts of retaliation with a view to renew the agitation of last Autumn. He hoped the Secretary of State for Foreign Affairs would lay upon the Table the Reports of Her Majesty's Consuls on these cruelties, which were said to have reached the British Embassy at Constantinople. The cruelties lately reported as having been committed on women and children by the Russian Cavalry far exceeded in atrocity anything that had happened in

Bulgaria or in Poland, and called for remonstrance and protest by England and the British Government so soon as Her Majesty's Government should have official reports of these massacres of children. They had been told that Russia was coming as a Liberator and to introduce the blessings of Christianity; but the only Gospel teaching which she had as yet carried out was to imitate the exploits of Herod. It was hardly necessary to urge that the British Government had a right of remonstrance, founded upon the Brussels Conference of 1874, to which a British Commissioner had been sent. The grounds of humanity and of Christianity were sufficient to require that these atrocities should not find the voice of England silent. He would ask the Government of Her Majesty the Empress of India to remember that 40,000,000 of Her Majesty's subjects in India would expect their Government to protest against this ruthless slaughter of the wives and children of their co-religionists.

THE EARL OF DERBY: My Lords, if there is one thing connected with the Eastern Question upon which your Lordships seem to be unanimous, it is the advantage of avoiding any discussion at the present time. I will, therefore, notice very briefly the observations of the noble Lord (Lord Campbell) who, after so many postponements, has at last achieved the delivery of the speech he has so long meditated. My noble Friend asks me to produce the answer of Her Majesty's Government to the Turkish despatch of the 25th of January last. My Lords, to that my reply will be very short. I cannot produce the answer, because there is none. No answer to that despatch was expected or required. My noble Friend has studied it very carefully, and he will therefore be aware—as your Lordships may be—that it was in the nature of a protest against some of the proceedings of the Conference that has just been held at Constantinople. It was a well-written document, as most of the Turkish diplomatic correspondence is, but it did not call for any reply from us. Indeed, it would have been certainly inexpedient, possibly injurious, to have entered into a controversial correspondence upon a matter which had practically been settled. We regretted the failure of the Conference; but it would have served

no purpose to enter into argument with the Turkish Government to prove that they were wrong in the course they had pursued. My noble Friend, whom I will not follow over the various subjects which he treated, objected, if I understood him right, to the Proclamation of Neutrality which was put forth by Her Majesty's Government. He seemed, from some observations he made, to consider that we were wrong in remaining neutral. [Lord CAMPBELL was understood to dissent.] Then I fail to follow my noble Friend's reasoning. I can quite understand his saying that we ought not to have issued a Proclamation of Neutrality if he thinks that we ought not to have been neutral; but I cannot understand on what ground he contends that although we intended to be neutral, we ought not to have told anyone that we meant to be so, and that it was our duty to have left everybody, both at home and abroad, under a misunderstanding as to the course we really intended to adopt. That is a proceeding for which, I think, neither by the advocates of peace nor by the advocates of war any possible justification could have been found. The noble Lord went on to say that the influence of the British Embassy at Constantinople was paralyzed. That is not my impression, nor do I believe it is that of any European diplomatist. The noble Lord may only wish to imply that we do not possess the same influence with Turkey as if we were fighting on her side, or had promised to fight on her side. If that be all that is meant by my noble Friend, it is perfectly true and obvious; but if the noble Lord means that the British Ambassador at Constantinople does not exercise that influence and enjoy that position there which fairly belongs to a neutral and friendly Power, I am bound to say, in that case, that his information differs from mine. The noble Lord put forward a theory which, although he supported it by many historical precedents, I cannot accept. He said you cannot expect, after the end of a war in which you have been neutral and inactive, to exercise an important influence over its results. Now, I do not much care to argue abstract propositions on this or on any other question; but, if we are to discuss the matter at all, I totally dissent from his view. I cannot conceive a situation in which

Lord Stanley of Alderley

you can interfere with more influence or effect than at the close of a war when the belligerent Powers are more or less exhausted and worn out by the struggle, while you are still uncommitted to any course and while your own forces are fresh and unbroken. Under such circumstances, we are likely to exercise relatively greater power than if we had taken part in the conflict. The noble Lord then went on to remind us that we need not be afraid of agitation—that we have a majority, and he warned us not to lose it. I am obliged to him for that advice. We have a majority, and we intend to keep it. We do not intend either to fear or to encourage agitation, from whatever side it may come. I do not think that the position in which we stand requires any further definition at this moment. We have held all along language which I think is abundantly clear, and we have announced the policy which we intend to pursue. We were challenged by the Sovereign of Russia to give our opinion on the conduct of Russia when she proclaimed war, and we gave it. We further told the Porte, as long ago as May, 1876, when there was no pressure of popular opinion to influence our conduct, that Turkey was not to expect assistance from England. And since the war broke out, with the view of maintaining a neutrality which should be at once honourable and safe, we have defined what we regard as the British interests involved, and defined them with a fulness and a clearness which, as far as I know and believe, has not been usual on former occasions. We have done that in no unfriendly spirit to Russia; and the Russian Ambassador, when in conversation with him I referred to the statement which we had made of what we conceived to be our interests involved in this quarrel, thanked me for having warned his Government where those “torpedoes” called English interests were. I now come to the remarks of my noble Friend the noble Earl opposite (Earl Granville). He certainly did not in any undue manner censure or criticize the conduct of the Government, and therefore I think I need not waste your Lordships’ time in going over the ground which he traversed, except to protest against one statement which he made when he said that those declarations of what we con-

ceived to be our “interests” involved were vague in their character. I think they were as distinct and as precise as it is possible for declarations on such a matter under such circumstances to be. I will not go into the question—especially since it has been explained “elsewhere”—of the reason why the Fleet was sent to Besika Bay. It is not the fact, as my noble Friend opposite thinks, that formal assurances have been given to Foreign Powers as to the reasons for which the Fleet was sent to that station. We did not give such assurances simply because they were not called for or required. If there be those who think there must be some sinister object in whatever we do—that we have some deep and secret design in moving the Fleet from one station to another—it is easy for such persons to find out a motive in regard to whatever place we may send it, whether it should be to Alexandria, to Crete, to the Piræus, or to Besika Bay. If it goes to Alexandria, the inference is that we are going to lay hands on Egypt. If to Crete, we wish to keep the Cretan insurgents in order. If to Athens, the object is to intimidate Greece. There is no end to such suspicions, and it is impossible to avoid their being entertained. I cannot myself see that any objection can be made to the station we have selected any more than would equally attach to any other in the eyes of anyone who is bent on looking at the matter invidiously. Besika Bay was a most central and most convenient station in case of disturbances arising in Turkey, and also one from which communication could most easily be maintained with the British Ambassador. My noble Friend who spoke last (Lord Stanley of Alderley) referred to the alleged outrages in Turkey, committed on the Turkish population, I do not say by Russian soldiers, but by persons acting on the Russian side. I draw that distinction because where these excesses are said to have occurred they ought probably to be ascribed, not to the Russian Army, but rather to those who follow the Army and are not subject to military discipline. I do not pretend to determine how far these statements, of which we have lately seen so many in the newspapers, are accurate or not. Speaking as a general rule, I should say—exactly as I did last year—

that we must always allow in these cases for a great deal of exaggeration. If we go back to the instance of Bulgaria, the first statement made was that 30,000 persons had been murdered in Bulgaria. The inquiry made at the time on the spot by Mr. Baring reduced the number below 12,000, and subsequent inquiries have shown more and more that those who were supposed to be dead have been coming to life again; that many persons who were at first reckoned among the victims have since been found to have only run away and taken refuge in another place; and I have seen a statement that the number who suffered last year was really much smaller than even the reduced previous calculations gave it—something like 4,000. If that is the case in regard to Bulgaria, it is possible that something of the same kind may apply to these newly-alleged outrages. No doubt those accounts which come from Turkish sources are liable to the imputation of not being impartial: we have, however, some statements from our own Consuls on this subject; and I propose to collect together whatever information we may have on these matters, and to take an early opportunity of laying it on your Lordships' Table. I do not think it necessary to trouble you with any further remarks.

LORD CAMPBELL, in reply, said, that although he could not ask their Lordships to remain at such an hour, what had fallen from the noble Earl the Secretary of State and the noble Earl who had preceded him in the same Department, imposed on him the necessity of a few words in answer. As to the noble Earl the Secretary of State, he had defended the Proclamation of Neutrality in a manner which implied complete forgetfulness of a maxim the late Sir Robert Peel had prudently laid down and which M. Guizot had recorded—namely, that a Government is often at liberty to act when it is not at liberty to speak of its intentions. Neutrality itself implied nothing but that the time for coming forward had not yet arrived, or that preparation was inadequate. Proclamation of Neutrality was an impediment or an encumbrance, when the support of an ally became imperatively requisite. On what grounds the Proclamation of Neutrality was more essential in this juncture than it had been in

The Earl of Derby

1828 or 1853, or was more incumbent on Great Britain than on other Powers, the noble Earl had not attempted to explain. As to the rather insignificant attack of the noble Earl the late Secretary of State with regard to the postponement of the Motion, on the first occasion he (Lord Campbell) was prevented by indisposition from attending and going on with it, on two others the hour was not one at which their Lordships could be present. As to the further complaint of the noble Earl, that he (Lord Campbell) had brought forward many Motions on the Eastern Question for three years, he was not anxious to defend himself. He had never yet originated a discussion on the topic which had tended to lower that House at home or on the Continent of Europe. Since the Foreign Office had not deemed it right to answer the Ottoman despatch of January 25th, there could be no difficulty in the withdrawal of the Motion.

Motion (by leave of the House) withdrawn.

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS.

Thursday, 19th July, 1877.

MINUTES.]—SUPPLY—considered in Committee — CIVIL SERVICE ESTIMATES — Resolutions [July 16] reported — Postponed Resolutions [July 17] agreed to.

PUBLIC BILLS—*Second Reading*—Solway Salmon Fisheries * [250]; Saint Catherine's Harbour, Jersey * [251]; Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) * [255].

Select Committee — Public Health (Ireland) * [116], nominated.

Committee—Supreme Court of Judicature (Ireland) (re-comm.) [184]—R.P.

Committee — Report—Fisheries (Oysters, Crabs, and Lobsters) * [217-257]; Building Societies Act (1874) Amendment (re-comm.) * [243]; Registration of Leases (Scotland) Act (1857) Amendment * [246].

Third Reading—Telegraphs (Money) * [227]. Married Women's Property (Scotland) * [180], and passed.

Withdrawn — Poor Law (Scotland) * [134]. Valuation of Property * [63]; Patents for Inventions * [64]; Public Health (Metropolis) * [187]; Bishoprics * [153]; Valuation of Property (Ireland) * [102].

QUESTIONS.

PARLIAMENT—PRIVILEGE—CIRCULARS TO MEMBERS.—QUESTION.

MR. FORSYTH rose to ask a Question of the Speaker with reference to the Privilege of Members. He had lately received no fewer than 10 printed Circulars headed "Laymen's Association." He would read one of them—

"Sir,—As one of your constituents, I beg to address you as to the Public Worship Regulation Act, 1874. The passing of that Act was so notoriously partizan, and the confusion and injustice consequent on its working have been so prejudicial to the work of the Church in many parishes, that I am compelled as a matter of duty to ask you whether you will vote for its repeal. I beg very courteously, but still firmly, to inform you that the next Election I shall, apart from all questions of politics, feel it my duty to withhold my vote from any candidate who will not pledge himself to the repeal of this Act."

He had no objection to any number of his constituents individually expressing their opinion with reference to any vote of his; but he did object to a body of men banding themselves together to manufacture printed papers asking his constituents not to support him if he did not give his vote in a particular way. That seemed little less than intimidation, and he wished to know, Whether a breach of Privilege had been committed?

MR. SPEAKER: The hon. and learned Member for Marylebone has handed to me a copy of the Circular which he has now read. I cannot say that the offence contained in it is of so grave a character as to constitute it a breach of Privilege. At the same time, I am bound to observe that expressions such as those contained in that Circular are calculated to influence the independent judgment of Members, and as such are highly reprehensible.

EXPLOSIVES ACT—THE MAGISTRATES AT LANCHESTER.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been called to the decision of the magistrates at the Lancaster Petty Sessions, county Durham, on the 5th instant, in fining a miner named Fletcher for making cartridges

with blasting powder in his own house, which cartridge he was going to use in his occupation in the Stanley Colliery, county Durham; and, whether, considering the decision is one that affects the whole mining interest of the Country, there are any means of ascertaining if the decision of the magistrates is in conformity with the provisions of the Explosive Act under which Fletcher was tried and convicted?

MR. ASSHETON CROSS: I am informed that this case will be brought before a superior Court; and, if so, the case will be decided; and I do not think that I should be justified in giving an opinion as to a question of law in a matter which is *sub judice*.

MALTA—FOOD TAXES—MR. ROWSELL'S REPORT.—QUESTION.

MR. BAYLEY POTTER asked the Under Secretary of State for the Colonies, When Mr. Rowsell's Report in reference to the Food Taxes in Malta will be laid upon the Table of the House; and, when the decision of the Government on the subject will be made known?

MR. J. LOWTHER: Mr. Rowsell's Report has only been recently received, and before any decision can be arrived at, it will be necessary that communications should be made with the Local Government as well as that the subject shall be very fully considered by Her Majesty's Government. Meanwhile it would be unadvisable to lay the Report upon the Table until the decision arrived at can be communicated to the House.

ARMY—ALDERSHOT CAMP—PURCHASE OF CHOBHAM RIDGES.—QUESTION.

MR. SHAW LEFEVRE asked the Secretary of State for War, Whether it is true that under the powers of the Defence Act the War Office has given notice of its intention to acquire compulsorily the open land known as "Chobham Ridges," with the view of inclosing such land?

MR. GATHORNE HARDY, in reply, said, there was no necessity for giving notice under the Defence Act, because the War Office had already completed the purchase—from the lords of the manor in May last, and from the commoners in July last. There was no intention whatever of inclosing the land.

CHRIST'S HOSPITAL—SUICIDE OF A SCHOLAR.—QUESTION.

MR. FAWCETT asked the Secretary of State for the Home Department, Whether the present inquiry into Christ's Hospital will be extended to the School where the junior boys are educated at Hertford; and, whether it is intended that the proceedings of the Committee shall continue to be conducted in private?

MR. ASSHETON CROSS: Sir, I have placed myself in communication with the gentlemen who have undertaken the inquiry, as to whether any good is to be gained by extending it to Hertford School. With regard to the publicity of the Inquiry, I believe the gentlemen who form the Committee are unanimously of opinion that they will attain the object of the Inquiry best by having the Inquiry private, although the Report which they will make will, of course, be laid on the Table of the House.

MR. FAWCETT: I beg to give Notice that on Monday I will ask, Whether the result of the answers to the Home Secretary's inquiry as to Hertford School will be laid before the House; and that on going into Committee of Supply I shall move a Resolution that any Report founded upon a private Inquiry will not be satisfactory to the public.

POOR LAW UNIONS (IRELAND). QUESTION.

MR. MACARTNEY asked the Chief Secretary for Ireland, Whether it has been finally determined by Government that a Commission shall issue to direct a local inquiry as to the propriety of reducing the number of workhouses in Ireland; and, if such local Commission is to be appointed, whether the scope of its inquiry will be extended to the advisability of utilizing for the accommodation of harmless lunatics and idiots any workhouses which may be deemed superfluous and unnecessary, and also into the advisability of reviewing and re-arranging the present inconvenient limits and boundaries of dispensary districts in Irish Poor Law Unions?

SIR MICHAEL HICKS-BEACH: It has been decided that this subject should be locally inquired into by a

Commission, and their attention will be directed to the following points:—Whether, having due regard to the extent and population of the present Poor Law Unions, the necessities of the sick and destitute poor therein, and the proper administration of the Poor Law, any Unions can be dissolved and amalgamated with adjoining Unions; and whether it would be necessary in carrying out such changes to re-arrange any of the present dispensary districts. Whether, without altering the boundaries of Poor Law Unions, any existing workhouse could be wholly or in part dispensed with, and accommodation provided in other adjacent workhouses for the whole or for any class of the sick or destitute poor of the Union, the workhouse of which is dispensed with; and whether any workhouse that may be dispensed with might be used for the reception of the lunatic poor or for any other purposes.

ARMY RETIREMENT—THE RESERVE FORCES.—QUESTION.

SIR GEORGE CAMPBELL asked the Secretary of State for War, If he can now say whether the new scheme of Army Retirement will include provision to make the services of retired Officers available, in case of need, with the Reserved and Auxiliary Forces?

MR. GATHORNE HARDY: Without going into details, I think there will be some provisions which will meet, to a certain extent, the views of hon. Gentlemen opposite, and I have every hope of being able in a few days to lay that scheme before the House.

NAVY—H.M.S. "MONARCH." QUESTION.

MR. GOURLEY asked the Secretary to the Admiralty, To state the nature and cost of the intended alterations and repairs of H.M.S. "Monarch," and probable time that will be required for her completion; if she is to be furnished with compound machinery and increased power of speed; whether her capacity for fuel is to be enlarged; if so, for how many days; and, further, to inquire the intended speed and capacity for fuel of the gun boats ordered to be built during the present financial year?

MR. A. F. EGERTON, in reply, said, that the *Monarch* was to have new boilers, her machinery was to be overhauled by her makers, and other repairs were to be done. The estimated cost was about £50,000. No date was fixed for the completion of the work, but it would probably be about the end of this year. The machinery would not be compound, nor would her speed—which was 14 knots an hour—be increased. Her capacity for fuel would not be enlarged. He knew of no new gunboats to be built during the present financial year.

RUSSIA AND TURKEY—THE WAR—
ALLEGED BULGARIAN AND RUSSIAN
ATROCITIES.—QUESTION.

MR. R. POWER asked the Under Secretary of State for Foreign Affairs, If his attention has been called to the report in the "Daily Telegraph" (July 16th) of frightful cruelties and tortures alleged to have been inflicted upon the non-combatant Bulgarian Turks by Bulgarian Christians and Russian soldiers; and, if Her Majesty's Government have received any information concerning these outrages?

MR. BOURKE: Besides the Question which has just been asked by my hon. Friend, there are two other Questions upon the Paper—one by my hon. Friend the Member for Tamworth (Mr. Hanbury), and the other by my hon. Friend the Member for Cricklade (Mr. Goddard). I think I can answer them all at the same time. Telegraphic Reports of these different transactions have been received by Her Majesty's Government from various sources, from our Consuls in Turkey, and from the Turkish authorities. A collection of these Reports is now being made in the Foreign Office, and will be presented to the House in a special Paper, in the same way as the Papers on the transactions in Bosnia and Bulgaria. Everyone will then be in a position to judge for himself of the nature of the occurrences, and of the amount of authenticity to be attributed to the statements.

ARMY—RIFLE MILITIA REGIMENTS—
UNIFORMS.—QUESTION.

COLONEL NAGHTEN asked the Secretary of State for War, Whether it is in-

tended to change the uniform of any of the Rifle Militia Regiments to red; and, whether, in case of any such alteration being carried out, an allowance will be made to the officers towards the expense incurred?

MR. GATHORNE HARDY, in reply, said, that though he could have wished that some of the Rifle Militia Regiments were dressed in red, he did not intend to exercise any compulsion upon them to change their uniforms.

THE SLAVE TRADE—AFRICA (EAST
COAST)—LIBERATED SLAVES.

QUESTION.

SIR ROBERT ANSTRUTHER (for Sir JOHN KENNAWAY) asked the Under Secretary of State for Foreign Affairs, Whether he can state what number of slaves have been liberated by Her Majesty's cruisers on the East Coast of Africa during the years 1875 and 1876; to whom these slaves have been handed over under the Slave Trade Act of 1873; and what provision has been made for their protection and maintenance?

MR. BOURKE, in reply, said, 456 slaves were liberated by Her Majesty's cruisers on the East Coast of Africa in 1875, and 634 in 1876. Of those captured in 1875, 239 were taken over by the Church Missionary Society, and 154 by the Universities Society—a society promoted by the Universities of this country. Two others were sent to Natal, and some were, at their own request, taken to the mainland and given letters of manumission. Of the 634 liberated in 1876, 45 were sent to Natal, to a protection society there which was well known and was under Government supervision, and they had every reason to believe that slaves sent there would be taken care of. Twenty others were taken over by the Universities Society, a great many others were taken by the Church Missionary Society, and 85 were landed on the mainland, at their own request, with letters of manumission. The statistics which he had did not account for the total number who were liberated in that year; but he believed a great portion of the remainder had been taken over by the Church Missionary Society and had been sent to Natal. Dr. Kirk had been specially instructed to report as to the difference between the figures,

and his Report was expected shortly. As to the future maintenance of the liberated slaves, Her Majesty's Government had every reason to believe that both the society in Natal and the Church Missionary Society were able and willing to provide for them, and they did not suppose there would be any difficulty in disposing of them in the same way that they had been disposed of in the years 1875-6.

NAVY—THE NEW NAVAL COLLEGE— THE SITE.—QUESTION.

SIR H. DRUMMOND WOLFF asked Mr. Chancellor of the Exchequer, Whether, having regard to the great interest generally felt in the selection of a site for the new Naval College, Her Majesty's Government are prepared to give this House as early an opportunity as possible of expressing an opinion on the proposal to purchase the Mount Boone site?

THE CHANCELLOR OF THE EXCHEQUER in reply, said, he thought the most convenient opportunity for discussing the question of the site of the new Naval College would be when the Vote was proposed. That would be when the Navy Estimates were again brought forward. He was not able to say now on what day they would be taken, but there would be no unnecessary delay in bringing them forward.

LAW AND JUSTICE—PUBLIC PROSECUTORS.—QUESTION.

MR. CHADWICK asked the Secretary of State for the Home Department, If his attention has been called to a report in the "Times" of the 22nd June, of observations by the Lord Chief Justice in the High Court of Justice, to the following effect:—

"So long as the Government has not that which is essential to the administration of justice—a public prosecutor—so long every individual, however rash or ill advised, has a right to put the Criminal Law in motion;"

whether the Government have any intention of proposing to Parliament next Session any Bill which will provide for the appointment of public prosecutors; and, whether they will consider in making provision for such appointments the practicability of authorising clerks to

magistrates, who are paid by salary in lieu of fees, to act as public prosecutors?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the remarks of the Lord Chief Justice, who felt strongly on this matter. The question of a Public Prosecutor had formed a subject of consideration, not only to the present, but to the late Government. He must, however, warn the hon. Member and the House that the appointment of a Public Prosecutor, though necessary, would be found to be a very expensive luxury when carried out, not only with regard to the Staff to be appointed, but in the prosecution expenses, which would be heavier than at present. He was prepared, whenever an opportunity offered, to bring in a Bill on the subject; and with regard to the suggestion of the hon. Member that magistrates' clerks should be authorized to act as public prosecutors, he would refer him to the remarks of the Lord Chief Justice in the Report of the Judicature Commission, where his Lordship observed that they would not get better duties from the same men by paying them higher salaries and calling them by a different name.

LOCAL TAXATION—HIGHWAYS AND TURNPIKES.—QUESTION.

MR. SEVERNE asked the President of the Local Government Board, Whether, in view of the continually increasing charges thrown upon the rates of rural districts by the abolition of turnpikes, and the unequal incidence of these burthens, Her Majesty's Government have any intention of introducing a Highway Bill during the next Session of Parliament, and of pressing its adoption?

MR. SOLATER-BOOOTH, in reply, said, the Government were very well aware that in several of the rural districts a growing feeling had for some time past found expression as to the charges thrown on the local rates in consequence of the abolition of turnpike tolls. The complaint on the subject would have been met by a measure which he had introduced last Session and which was prepared with a view to be re-introduced this year. He did not feel in a position to speak as to future legislation, but he hoped to do something next Session.

Mr. Bourke

BOARDS OF GUARDIANS, &c. (IRELAND).
QUESTIONS.

MR. STACPOOLE asked the Chief Secretary for Ireland, Whether his attention has been called to the practice adopted by certain Boards of Guardians and Governors of Lunatic Asylums in Ireland, in cases where officers seek an increase of salary, of compelling the officers to resign and take their chance of re-election before such application can be considered; and, whether, if he considers this method of dealing with such applications an improper one, he would be prepared to recommend its discontinuance.

SIR MICHAEL HICKS - BEACH: My attention was first called to this matter by the Notice of the hon. Member's Question. I have not been able to ascertain that any practice prevails among Boards of Guardians and governors of lunatic asylums of compelling their officers to resign before considering any applications for increase of salary; but I am informed that the Board of Guardians and the governors of the lunatic asylum at Ennis adopted such a practice more than two years ago. The Local Government Board at that time informed the Board of Guardians that they objected to their action on the subject; but I do not find that the Inspectors of lunatic asylums made any communication to the Board of Guardians. The practice seems to me open to objection; but the hon. Member is himself a governor of the lunatic asylum, and can move that it should be discontinued, if he thinks fit to do so.

MR. STACPOOLE: Is there any regulation of the Irish Privy Council under which this has been carried out?

SIR MICHAEL HICKS - BEACH: No; I believe not.

INLAND REVENUE — GROCERS' LICENCES.—QUESTION.

MR. DALRYMPLE asked the Secretary of State for the Home Department, If his attention has been called to a memorial signed by nine hundred medical practitioners, published in a recent number of the "Lancet," setting forth the evils resulting in their opinion, especially to women, from the purchase under the guise of necessities of spirituous liquors from licensed grocers; and,

whether he will bring that memorial under the notice of the Commission about to take evidence on that subject?

MR. ASSHETON CROSS: My attention was not called to this matter until the Notice of the hon. Member appeared on the Paper; but I made inquiries this morning, and I do not find that any memorial has been presented at the Secretary of State's Department. The Lord Advocate is about to nominate the Commission to take evidence, and if the memorial in question comes before me or the Lord Advocate, it will receive full consideration.

THE IRISH CONSTABULARY—SALUTES.
QUESTION.

MAJOR O'GORMAN asked the Chief Secretary for Ireland, Whether it is the fact that the Royal Irish Constabulary, serving at the Phoenix Park Depot, Dublin, are obliged to pay all compliments to Her Majesty's Military Forces, a courtesy which the latter refuse to extend to the Royal Irish Constabulary when passing, under arms, military barracks and guards; and, if so, whether it is intended to issue orders to the Royal Irish Constabulary to discontinue the practices of paying the compliments alluded to; or to concert measures to ensure that Her Majesty's Military Forces shall, on all similar occasions, pay to the Royal Irish Constabulary similar compliments and salutes?

SIR MICHAEL HICKS - BEACH: There is no regulation of the Royal Irish Constabulary making it imperative that the members of the Force serving at the depot in the Phoenix Park should pay compliments to the military. It has been customary for them to do so, and for the military to return the compliment. It may possibly have happened that in a few instances the military have failed to return them; but I do not see that there is an occasion for me to take action in the matter.

NAVY — H.M.S. "INFLEXIBLE" — THE INSTRUCTIONS.—QUESTION.

MR. ASHBURY asked Mr. Chancellor of the Exchequer, Whether he will cause to be laid upon the Table of the House a Copy of the Instructions given by the Government to the Committee appointed to inquire into the question of the sta-

bility of H.M.S. "Inflexible;" and, if so, how soon Copies can be distributed to honourable Members?

THE CHANCELLOR OF THE EXCHEQUER: I do not think it would be convenient to lay the Instructions upon the Table. They have been settled by my right hon. Friend the First Lord of the Admiralty and by the Board of Admiralty. They are now in the hands of the Committee, who are about to commence their sittings next week. As soon as possible the Report will be presented, and the Instructions with it.

THAMES RIVER (PREVENTION OF FLOODS) BILL.—QUESTION.

MR. GORDON asked the Senior Member for Chelsea, Whether it is his intention to take any other step for the purpose of bringing under the notice of the House the course pursued by the Metropolitan Board of Works with reference to the Thames River (Prevention of Floods) Bill, having regard to the opposition offered to his Motion on the subject by the Chairman of that Board?

SIR CHARLES W. DILKE, in reply, said, it was quite true, as implied in the Question of his hon. Friend and Colleague, that the opposition of the hon. and gallant Member for Truro (Sir James M'Garel Hogg) had prevented, owing to the operation of the half-past 12 o'clock Rule, his bringing forward his Motion in favour of altering and proceeding with the Thames River (Prevention of Floods) Bill. The hon. and gallant Member had refused to proceed with the Bill, and nothing would now be done to prevent the continuance of these floods, the responsibility for which would lie at the door of the majority of the Metropolitan Board. He might, however, possibly find an opportunity for making some remarks upon the subject upon the second reading of the Metropolitan Board of Works (Money) Bill, which stood for second reading 28th upon the Orders of the Day, although it had not been printed.

ARMY—DEFICIENT TRANSPORT—THE WINDSOR REVIEW.—QUESTION.

MR. HAYTER asked the Secretary of State for War, Whether the deficiency of transport for the troops marching from Aldershot to Windsor for the late

Review was so great as to necessitate the dismounting of two batteries of Artillery, and some of the Engineer Train, to supply horses; and, whether, even with that assistance, the blankets and waterproof sheeting for the men had to be left behind, contrary to the recommendations of the Medical Staff?

MR. GATHORNE HARDY, in reply, said, the facts stated in the Question were, he believed, correct. The fact was that the transport was not increased for this purpose at all. The transport for the summer drills at Aldershot had been very hardly worked, and no increase was made for the march to Windsor, but every effort was taken to secure the comfort of the troops. Of course, the transport borrowed from the batteries and Engineer train was only owing to the special circumstances of the case. It was true that the blankets and waterproof sheeting were not taken.

METROPOLIS—THE NEW LODGE IN HYDE PARK.—QUESTION.

MR. RYLANDS asked the Secretary to the Treasury, If he can state to the House the circumstances under which Mr. Albert Grant was asked, by the Treasury, to pay the cost of the erection of a new Superintendent's Lodge in Hyde Park?

MR. W. H. SMITH: When his own house was in course of erection, Mr. Grant applied to the First Commissioner of Works for the removal of the brick wall of Kensington Gardens and a Lodge which were immediately opposite the new house, undertaking to replace the wall by an iron railing, and to pay the cost of the erection of a Lodge in any spot that might be deemed suitable for the residence of the Park Superintendent. The First Commissioner of Works agreed to the proposals of Mr. Grant, as they were calculated to improve that portion of Kensington Gardens which was affected by them without involving any charge upon the public purse.

MINES (SCOTLAND)—INUNDATION OF THE HOME FARM COLLIERY.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If it be correct that Mr. Ralph Moore,

Inspector of Mines for the Eastern district of Scotland, reported to him the following things in regard to the inundation of the Home Farm Colliery:—

“The inundation was wholly unexpected and unforeseen:

“That the mines of Messrs. Hamilton and McCulloch were well conducted:

“That the relatives of the four deceased persons who lost their lives by the inundation were satisfied that the bodies should remain in the mine;”

whether it be true that Mr. Moore, when under examination before Mr. Dickenson, Inspector of Mines, on the 29th ult. admitted that if he had known what the witnesses stated as to sand and gravel being seen in large quantities among the water, that he would have been alarmed, and that he would have withdrawn the workmen from the mine; whether it be true that he admitted he really from his own knowledge knew nothing of the mine, as he had not been in it for over twelve months; whether he further admitted in his examination that he made the report about the relatives being satisfied without even consulting them directly on the subject in any way; whether it is a fact that the inspector did not visit the mine or enter it for over twelve months; and, if he is satisfied with the conduct of the Inspector in the discharge of the duties imposed on him by “The Mines Act, 1872?”

MR. ASSHETON CROSS, in reply, said, that Mr. R. Moore had reported that the inundation was wholly unexpected and unforeseen. He formed this opinion from a careful consideration of all the circumstances of the case. The mines of Messrs. Hamilton and McCulloch were well conducted. The Inspector had not himself been in this particular mine for 12 months, but the assistant Inspector had been.

ROADS AND BRIDGES (SCOTLAND) BILL.—QUESTION.

MR. M'LAREN asked the honourable Member for Dumbartonshire, Whether, with the view of facilitating the passing of the Roads and Bridges (Scotland) (re-committed) Bill, he will withdraw the 190 Notices of Amendments, which he has placed on the Paper, to be moved when that Bill is in Committee?

MR. ORR EWING: Mr. Speaker, if the hon. Member for Edinburgh (Mr. M'Laren) had spent as much time in reading my Amendments as he has done in counting them, he would have discovered that I had only two Amendments upon the Paper, and that the other alterations were verbal ones, consequent on those two Amendments. I am as anxious as the hon. Member that the present system of maintaining roads and bridges by tolls and pontages should be abolished; but when making this change, I desire that between county and burgh the mode adopted should be equitable, simple, and definite, and without the intervention of Provisional Orders, which, when opposed, are as expensive as Private Bills. [“Order, order!”] I believe that my Amendments—

MR. SPEAKER: The hon. Member must not anticipate the discussion upon the Bill.

MR. ORR EWING: I was only giving my reasons for not being able to comply with the suggestion made by the hon. Member for Edinburgh.

RUSSIA AND TURKEY—THE WAR— THE SULINA MOUTH OF THE DANUBE.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Russians have commenced to block up one of the principal mouths of the Danube by sinking stones and ships in opposition to the remonstrance of the International Commission; and, whether it is intended to direct the attention of the Government of Russia to such a breach of the public law of Europe, as declared by the Treaties of 1856 and 1871?

MR. BOURKE: In answer to my hon. Friend I have to state that the British Danube Commissioner has reported that four vessels of the nature described in the Question have been sunk in the Sulina mouth of the Danube, and that, consequently, only a depth of four feet is left now for the navigation. When this came to the knowledge of Her Majesty's Ambassador at St. Petersburg, he immediately expressed a wish and hope to the Russian Government that measures would be taken to prevent the obstruction of the navigation of the Danube. Papers on

the subject will be laid on the Table of the House. I may also mention that the British Commissioner at the Danube has been authorized to join in any protest that may be made by his Colleagues, the other Commissioners, which they think it right to make on the subject. He had also been instructed to make detailed reports, and the matter will receive the serious consideration of the Government from time to time.

**SOUTH AFRICA CONFEDERATION—
THE TRANSVAAL TERRITORY.—
QUESTION.**

MR. A. MILLS asked the Under Secretary of State for the Colonies, Whether it is contemplated that the whole debt of the Transvaal Territory, estimated by Lord Carnarvon at about £300,000, should be eventually met by the Imperial Treasury; whether the £100,000, placed on the Supplementary Estimate, represents the total amount to be asked from Parliament; and, whether there are any other grounds, besides the alleged fertility of the Transvaal, for anticipating the repayment of Imperial advances?

MR. J. LOWTHER: It is not intended to ask the Imperial Treasury to discharge the debt of the Transvaal State, nor do we propose to ask Parliament for any further sum than the £100,000 of which Notice has been already given. With regard to the Debt, I should mention that while the Estimate must of necessity be only approximate, so far as can be ascertained, the total Debt—previous to the sum now asked for in the Supplementary Estimate—was about £220,000. The grounds for anticipating repayment of the advance, though they appear to be regarded by my hon. Friend as somewhat problematical, are, in addition to the great fertility of the country—which I may observe is not merely alleged, but thoroughly ascertained—its extensive mineral resources.

**THE PRISONS ACT—
THE PRISON COMMISSIONERS.
QUESTION.**

In reply to MR. HIBBERT,

MR. ASSHETON CROSS said, that the Prisons Commissioners, whose ap-

Mr. Bourke

pointment was just announced, were appointed under the recent Act which gave power to appoint them at once. Although the Act itself did not come into operation immediately, it was necessary that preliminary arrangements should be made by the Commissioners. The four gentlemen were all to be paid. Two of them were old directors of prisons and two were magistrates, one taken from the North and one from the South.

**ARMY—ESCAPE OF A DEFAULTING
OFFICER—QUESTION.**

MR. CALLAN asked the Secretary of State for War, Whether it is true that a Lieutenant in the 94th Regiment, when charged early in the present year with gross misconduct, amounting to the most serious criminal offence, was placed under arrest merely on parole, and not in close custody, or handed over to the civil authorities, whilst the complainant was closely confined to the guard-room; that in the course of the night the Lieutenant broke his parole and absconded; and, if so, what steps, if any, have been taken by the military authorities to secure the arrest of the Lieutenant; whether the informations on which the Lieutenant in question was so arrested have been handed over to the proper civil authorities so as to secure his being made amenable to justice; whether the attention of the Secretary of State for War has been directed to a letter which appeared in the "Broad Arrow" of May 26, in which it is stated that—

"Whilst the 94th Regiment was at Ramore, a Cavalry Officer, accompanied by a friend, came into the mess-room and loudly declared his intention to horsewhip a Captain of the 94th, whom he denounced as a blackguard and a scoundrel, for having, as he alleged, insulted his wife in a Railway carriage after he had confided her to his charge for the journey. The Commanding Officer (Lord John Taylor, who is a great friend of the insulted Captain, was content with receiving an apology from the Cavalryman for having disturbed the harmony of the mess, but no apology has been made to the Officer on whom the insulting epithets were bestowed, and who remains therefore under the stigma, content without apology or satisfaction of any kind, and thereby tacitly acknowledging the truth of the epithets in their application to him;"

and, whether, in view of the foregoing grave charges, the Secretary of State

for War will direct an inquiry to be immediately held into the circumstances disclosed above and the moral and discipline of the 94th Regiment?

MR. GATHORNE HARDY: I would inform the hon. Member that on June 11, in answer to a Question from the hon. Member for Dundee (Mr. E. Jenkins), I stated that an officer of the 94th Regiment, on being accused of an offence, was placed under arrest, that he broke that arrest, and absented himself. Officers under arrest are, except under extraordinary circumstances, considered on parole, and in this case no departure was made from the usual custom. The officer in question was gazetted out of the Service, and no further steps have been taken regarding him. I have no knowledge whatever of the occurrence said to have taken place at Rushmore, and, as the 94th Regiment has not been stationed at that place since 1870, it is not considered necessary after this lapse of time to take any further action in the matter. His Royal Highness the Field Marshal Commanding-in-Chief is fully acquainted with the *morale* and discipline of every regiment in Her Majesty's Service, and does not think it requisite to have any special inquiry into the state of the 94th Regiment, in which opinion I entirely agree with his Royal Highness.

PARLIAMENT—THE BUSINESS OF THE SESSION.—QUESTIONS.

THE MARQUESS OF HARTINGTON: Sir, I rise to ask the Chancellor of the Exchequer, whether he is able to give the House any information as to the intentions of the Government with regard to Public Business, and the measures now before the House. I hold in my hand a list of measures which have been introduced by Members of the Government, many of which were mentioned in Her Majesty's Speech at the opening of the Session; but which, although introduced comparatively early, have made up to the present time very little progress. I do not think I need trouble the House by reading that list, or by pointing out the stages at which the measures have arrived, for the right hon. Gentleman will probably refer in detail to the principal Bills. It is quite evident that, unless the duration of the Session be prolonged considerably beyond

the usual limits, it will be quite impossible that all, or nearly all, of those measures which up to the present time have made but little progress can be considered by the House. The right hon. Gentleman will perhaps also be able to take this opportunity of informing the House whether he proposes to ask for any further sacrifice of the time which is still at the disposal of unofficial Members of the House; if so, at what time he will make that request. It may also be in his power, having fully considered the state of Public Business, to give some intimation to the House as to the time when he thinks it possible that our labours may be concluded. Perhaps the House will permit me to take this opportunity of making an explanation in regard to some misapprehension that I think has arisen—no doubt from some want of clearness of expression on my part. The other day, in the course of a discussion upon the conduct of the Government with regard to the Irish Sunday Closing Bill, in one or two observations I made, I intended to point out that the introduction of the Appropriation Bill, which I hoped would not long be delayed, would give a more appropriate opportunity of discussing a question of that sort relating to the conduct of the Government with regard to the measures that have been before the House. I find it has been understood in some quarters that the observations I made amounted to a Notice that it was my intention to take the opportunity of the introduction of the Appropriation Bill to make some general observations upon the conduct of Her Majesty's Government. It is quite impossible for me to know what may occur before the end of the Session; and I have not come to any formal and definite resolution in my own mind as to the course it will be my duty to take when the Appropriation Bill is introduced. I wish to say that nothing was further from my mind than to give formal Notice that I had any such intention, on that occasion, to comment on the conduct of Her Majesty's Government.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I may in the first place, perhaps, say, with reference to the closing observations of the noble Lord, that I quite understood the remark that he made on the occasion to which he re-

ferred in the same sense as that in which he explains it. Of course, it is quite obvious that the stages of the Appropriation Bill always furnish very appropriate occasions for any critical remarks that may be thought necessary. I did not understand there was any special Notice given on the subject. With regard to the state of Business, I do not understand that the noble Lord at present desires that we should enter into any discussion as to the progress of Business, or as to any of the causes which may have interfered with the progress of some of the measures introduced by the Government. I understand the question is simply put for the convenience of the House, in order that we may know as well as we can how we stand, and may endeavour to make our arrangements accordingly. I am prepared to give such an answer as I can in the same spirit as that in which the noble Lord asks the Question. It is quite true there are a considerable number of Bills that have been introduced by Members of the Government which are still upon the Paper, and some of them are still down for rather early stages of progress. Of course, it would be impossible, without unduly prolonging the Session, to pass them all. At the same time, I feel some little difficulty in saying, with regard to particular Bills, that we intend to lay aside this or the other Bill, because the progress of Business is not altogether under our control, and it may happen, in the course of the time that remains, that we may find ourselves able to make more progress with some Bill than we expect, or that we may meet with unexpected obstacles with regard to another. I therefore do not wish that what I say now should be regarded as a complete and final programme of all that is or is not to be done in the course of the remainder of the Session. I may mention one or two Bills with which I feel it would not be possible for us, or convenient to the House, that we should proceed this Session, and as to which it is therefore desirable we should at once state why we do not intend to take up the time of the House with regard to them. Of these Bills the most important is the Valuation of Property Bill. The House will easily understand that this is a Bill which could not be proceeded with without fair and full discussion, and that, taken by itself,

it would occupy some considerable—though I think not at all an unreasonable—time in Committee. But although, if the Bill stood alone, I think it might be possible that we might proceed with it, and pass it this Session, we find that the question of going on with it has been complicated by Notices given by the hon. Member for Newcastle (Mr. Cowen), and I think also there is a Notice given by the hon. Member for Meath (Mr. Parnell), and in connection with that Bill there has been raised the large question of representative councils and general questions of local government. Seeing that these questions would have to be discussed in connection with the Valuation Bill, we think it is not desirable or convenient to proceed with it. Then there is also the Irish Valuation Bill. That is a subject which I think the House will hardly have time to take into consideration. I may also say with regard to the Bishoprics Bill, the Patents for Inventions Bill, and the Poor Law (Scotland) Bill, we do not at present see our way to trouble the House with these Bills. The Bills that are immediately before us, and with which we think it is important the House should proceed, I will mention in this order:—There is the Supreme Court of Judicature (Ireland) Bill, which stands for to-night going into Committee, and which, perhaps, I am not over sanguine in hoping we may get through Committee to-night. There is the South Africa Bill, which we propose to take on Monday next, and there are the Irish and Scotch Prisons Bills, which we are anxious to proceed with as rapidly as possible. Now, the noble Lord asks at what time we thought of asking the House to give the Government more days for Business than we have at present. I hope we shall not be thought unreasonable in asking that from next week we may take Tuesdays and Wednesdays. In that case, if that should be given, we shall propose to take on Tuesday the Irish and Scotch Prison Bills. That would be in the Evening Sittings, so that there would be the whole evening for going on with those Bills. I would not mention any particular Business for Wednesday; we shall see before that day what it may be convenient to take. But on Thursday the hon. and learned Member for Limerick (Mr. Butt) has an engagement with the

Government that we should give him that day for the discussion of his University Education Bill. That is the result of an engagement entered into with him, which he and his Friends have faithfully, and honourably, and loyally fulfilled, that they would not raise the question of University education on the Estimates provided a day was given for it. In addition to these Bills, we are anxious to proceed with the County Courts (Ireland) Bill, the Summary Jurisdiction Bill, and the Sheriffs Courts (Scotland) Bill, and there will be a question about the Roads and Bridges (Scotland) Bill. Now, with regard to the Roads and Bridges Bill, I am in some little difficulty in giving a definite answer, because I really am puzzled whether there are 190 Amendments or only two. That is one of the Bills I would not at present propose to discharge, but as to which I would wish to take further time to see what progress it may make. I would say the same of the Bankruptcy Bill and Factories and Workshops Bill. We should be glad to proceed with them, and it is not necessary to abandon the hope of doing so, and I would rather not give any definite promise as to those two Bills. I believe my right hon. Friend the President of the Local Government Board wishes to make a statement with regard to a Bill in his charge—the Public Health (Metropolis) Bill. There is, I think, very little Supply left to be got through. To-morrow morning we take the remainder of the Civil Service and Revenue Estimates; and I hope it will be in our power to get through them at that sitting. There will then remain only a certain number of postponed Votes and Supplementary Estimates, such as are usual at the close of the Session, and which, I think, on the present occasion are not likely to be very material. There will, however, be the Transvaal Vote of a large amount, and one or two questions arising out of the Navy Estimates. I suppose also that an opportunity will be taken, and is probably desired by some hon. Members, for some discussion on the subject of the Army Warrant, which my right hon. Friend (Mr. Hardy) will lay on the Table before long. I do not think it would be convenient for me to make too definite arrangements with regard to these matters; but if the House is kind enough to give us the days we ask for, and if we have a fair amount of

assistance from the House, I see no reason to doubt that we shall be able to get through the greater part, at all events, of what I have mentioned, and to close the Session about the usual day—that is, somewhere about the 10th of August.

SIR CHARLES W. DILKE wished to know from the right hon. Gentlemen whether it was intended to take the Colonies Vote to-morrow?

THE CHANCELLOR OF THE EXCHEQUER: No, not to-morrow?

MR. GLADSTONE asked whether the right hon. Gentleman had stated that one of his Colleagues wished to make a statement as to the Public Health (Metropolis) Bill, or was it to be understood that after that statement they would learn from the Government whether they intended to proceed with the Bill?

MR. SOLATER-BOOTH said, that the hon. and gallant Member for Truro (Sir James M'Garel-Hogg) had given Notice that he intended on Monday to ask whether the Government would proceed with the Public Health (Metropolis) Bill, and he had promised on Monday to make a statement, which, however, he was ready to make at once. This Bill was prepared last year, at the instance of the Statute Law Revision Commissioners, in order to supplement the work done by the Public Health Act of 1875, which put together the substance of 30 Acts of Parliament, so far as they applied to the country at large. Many of those Acts, however, affected the Metropolis, and it was desirable that they should be consolidated in a similar way. The Bill was, therefore, mainly one of consolidation, but certain provisions had been added that experience had shown to be desirable. It was not supposed that such a measure would encounter any opposition, but great objection was taken to the consolidation of the existing law by many of the local authorities. It was evident that a Bill of 100 clauses, if they involved any contentious matter, could not be introduced after Whitsuntide with any prospect of becoming law. Finding that Members were not satisfied to allow the Bill to proceed as a measure of consolidation, he had come to the conclusion that it would be better to withdraw it for the present Session. If he re-introduced it, it would be his duty to amend the sanitary law of the Metropolis more than

could properly be done in a mere Consolidation Bill. In withdrawing the present measure, therefore, he would not bind himself to introduce the same Bill next Session, although he trusted it would be possible to introduce it in an amended state.

THE MARQUESS OF HARTINGTON: Sir, I understand the right hon. Gentleman that the Warrant which is to be laid upon the Table is a Warrant relating to retirement and promotion of officers in the Army. If so, I think that the right hon. Gentleman is right in saying that it may lead to considerable discussion. It is of no use, of course, at this moment to press the Government to make any further announcement of their intentions. But, as usual, I think the Chancellor of the Exchequer has taken a somewhat sanguine view of the course of affairs for the remainder of the Session. I have made a list of the nine measures which he seems to have some hope of proceeding with in the remaining three weeks. There is, for instance, the Factories and Workshops Bill, and I really think the right hon. Gentleman will do well to devote himself to a further revision of this list. It will not impede the progress which he may make with a few Bills if he will withdraw from the Paper those which it is quite impossible to proceed with.

MR. MELDON, who had on the Paper the First Order of the Day for Tuesday next, inquired whether the Chancellor of the Exchequer would not allow the ordinary Business to proceed on that day?

MR. M'LAREN hoped that the Chancellor of the Exchequer would reconsider the order in which Scotch Bills were to be proceeded with. The Roads and Bridges Bill was a more valuable measure than all the other Scotch Bills put together, and he hoped it would be taken first, especially as it was one of the measures promised in the Queen's Speech.

THE CHANCELLOR OF THE EXCHEQUER said, he had no doubt the hon. and learned Member for Kildare was only anxious to facilitate Business; and it was hoped he would see, with the Government, the importance of taking the Irish and Scotch Prisons Bills first, and would make his arrangements accordingly. He would, however, be glad to speak to the hon. Member on the subject.

Mr. Selator-Booth

MR. PARNELL asked whether the right hon. Gentleman proposed to proceed with the Irish and Scotch Bills on Tuesday, in the event of the Judicature Bill for Ireland not having passed through Committee by that day?

THE CHANCELLOR OF THE EXCHEQUER said, all the arrangements depended very much upon getting through one Bill before taking up another. As Tuesday was not very close at hand he need not give a definite answer now.

SUPREME COURT OF JUDICATURE (IRELAND) (*re-committed*) BILL—[Bill 184.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

COMMITTEE. [*Progress 5th July.*]

Clauses 19 and 20 *agreed to.*

PART II.

Jurisdiction and Law.

Clauses 21 to 28, inclusive, *agreed to.*

PART III.

Sittings and Distribution of Business.

Clauses 29 to 33, inclusive, *agreed to.*

Clause 34 (Divisions of the High Court of Justice.)

MR. PARNELL moved, in page 25, to leave out lines 12 and 13, and insert in lieu thereof:—

“The Queen's Bench, Common Pleas, and Exchequer Divisions shall consist of the number of Judges following and no more, viz.: the Queen's Bench Division of four Judges, the Common Pleas Division of three Judges, and the Exchequer Division (from and after the next vacancy in the office of one of the Junior Barons) of three Judges.”

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 35 to 39, inclusive, *agreed to.*

Clause 40 (Sittings in Dublin and on Circuits.)

MR. MELDON moved, in page 29, lines 42 and 43, to leave out “or any Judge of the Court of Bankruptcy.”

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) assented to the omission of the words, which he thought was desirable.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 41 to 45, inclusive, *agreed to.*

Clause 46 (Cases and points may be reserved for or directed to be argued before Divisional Courts or Courts of Appeal.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) moved, in page 32, line 29, to leave out the words "or of the Court of Appeal," which, he thought, would lead to complication, and their retention would render the clause inconsistent with other parts of the Bill.

Amendment agreed to.

Clause, as amended, *agreed to.*

Clause 47 *agreed to.*

Clause 48 (Provision for Crown cases reserved.)

MR. PARNELL (for Mr. BIGGAR) moved, in page 33, line 24, after "shall," insert "not." The object of the Amendment of his hon. Friend was to remove an admitted grievance in Irish legal procedure.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that when the Bill was introduced it did not contain the appeal sub-section, which gave the Court of Appeal jurisdiction on a Writ of Error, in criminal cases, from the Queen's Bench Division. The intention was to assist the requirements of the humble classes of suitors, who could not afford the cost of carrying their appeals to the House of Lords, and it did that by preserving the operation of 11 & 12 Vict., c. 78, which had worked extremely well. By that provision, if the Judge found that a legal point of unexpected difficulty had arisen in the course of the proceedings in a criminal case, he had the power of reserving the point for the consideration of the Court of Crown Cases Reserved sitting in Dublin. That proceeding this clause sought to preserve, and it went further than the Amendment now proposed.

Amendment, by leave, withdrawn.

Clause *agreed to.*

Clauses 49 and 50 *agreed to.*

Clause 51 (Costs.)

MR. LAW moved, in page 34, line 15, after "that" to insert—

VOL. CCXXXV. [THIRD SERIES.]

("subject to all existing enactments limiting, regulating, or affecting the costs payable in any action by reference to the amount recovered therein.")

His object was to preserve those statutory safeguards against bringing vexatious actions in Superior Courts.

Amendment agreed to.

MR. MELDON desired an Amendment in the clause. He said the principle of the clause was a most vexatious one, and had been introduced into the English Judicature Act, and he certainly did not like giving Judges a discretion as to awarding costs. The rule was that a successful party was entitled to his costs, and to allow a Judge to adjudicate upon the costs, no matter what was the result of the trial. But he feared that he would be unsuccessful. He proposed that a Judge should only have discretion "under special circumstances," and for good cause shown.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, if a Judge exercised his discretion as to the costs against the verdict of the jury he must state the "good cause," and thereupon the Court of Appeal could review that decision. That course worked satisfactorily in the English Bill. He thought the words proposed by the hon. and learned Member unnecessary.

MR. LAW was afraid that the hon. and learned Member for Kildare did not give sufficient weight to the words "good cause shown."

MR. SHAW opposed the Amendment.

MR. CHARLES LEWIS supported the Amendment.

MR. BUTT pointed out that the words "for good cause shown," were not necessary to be stated by the Judge, and he had never known it done, and he had had some experience of the practice.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that the Judges had to show good cause in order that their decision might be reviewed in the Court above.

MR. LAW said, the learned Judge could only give costs apart from the verdict for good and sufficient reason. The clause was an exact transcript of the clause of 1855, placed in the Bill of 1875, and now inserted here.

MR. P. MARTIN suggested that the Judge should be bound, if he refused to grant costs to the successful suitor, to

state in the order he made the reasons he had for withholding costs. This would be a safeguard against a capricious exercise of the discretion proposed to be given, and in case of an appeal would facilitate the revision of any order made without good cause in the Appellate Tribunal. In the Act which constituted in Ireland the Landed Estates Court it was expressly provided that if the Judge did not order costs to be paid by a party unsuccessfully making or resisting an application he was bound to state his reasons on the face of the order. The clause of the present Act ought to be amended by the insertion of a similar provision.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, when the Amendment was disposed of he would be inclined to consider it.

MR. BUTT said, he was decidedly against the clause. If the Judges could use this discretion they would destroy trial by jury altogether. If the Judge charged the jury in one way, and the jury decided against him, the learned Judge might, from irritation, do an injustice, by giving or withholding costs. It would be better to set out the reasons in the order.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) accepted the suggestion of the hon. and learned Member, and agreed that the statement of the "good cause" on the face of the order might be worked without inconvenience.

MR. MELDON did not think that his words, "under special circumstances," made the discretion more general, for he left the words for "good cause" still standing.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) would accept the alteration suggested, and alter the clause by striking out the word "good," and leave it for "special cause shown and mentioned in the order."

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

SIR COLMAN O'LOGHLEN moved, in page 34, line 19, after "Divisional Court," to insert—

"And Provided also, That in all actions for libel where the jury shall give damages under forty shillings, the plaintiff shall not be entitled to more costs than damages."

Mr. P. Martin

His object was to assimilate the law as to libel with the law which for a long period had been in operation with regard to slander, and which had worked extremely well.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) had no objection to the Proviso on principle, but he suggested that his right hon. and learned Friend should add the words—

"Unless the Judge who tried the case should order that, having regard to all the circumstances of the case, he should obtain the costs of the action."

MR. M'CARTHY DOWNING said, this would not meet the object of the Amendment, which was to ensure that where a jury said a plaintiff was not entitled to more than 40s., then a Judge shall not override the opinion of the jury by a decision as to costs.

MR. BUTT also objected, stating that it would be placing a discretion with the Judge which the law never intended he should have.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) consented to the Amendment, reserving to himself the opportunity of making a further Amendment on the Report.

Amendment *agreed to*.

Clause, as amended *agreed to*.

Clauses 52 to 57, inclusive, *agreed to*.

PART IV.

Trial and Procedure.

Clause 58 (Assessors).

MR. SERJEANT SHERLOCK said, he proposed to omit this and the two succeeding clauses. The clause had reference to the appointment of Referees, and he was anxious that there should not be applied to Ireland a most mischievous piece of legislation—the appointment of Referees to discharge the duties of Judges. These Referees were introduced into the English Judicature Bill from the necessity of providing relief to the overwork of the Judges; but in Ireland no such necessity existed, and the number of Judges were being reduced because they were not sufficiently employed. He admitted that in these clauses the consent of the parties was to be required to a reference, but the suggestion of a Judge was practically irresistible, so that the discretion of suitors would be nominal. It was open to

suitors now to refer a dispute to arbitration of their own motion, but it ought not to be done at the suggestion of a Judge; and he resisted this as an unconstitutional innovation. He, therefore, moved the omission of the clause.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) admitted that there was a strong feeling amongst the Irish people in favour of having their causes tried before what they called "a real Judge and a real jury;" but he considered that the clause did not go much beyond the power which the Judges had at present of referring cases to arbitrators. It was not proposed to establish Special Referees to be paid by the State, but merely to enable a Judge, if the parties consented, to refer the matter to a Referee, to be appointed by arrangement between the parties themselves.

MR. BUTT said, it was sought to maintain the skeleton of the English clauses when it was found that they could not be maintained in their integrity. He would support the Motion to omit the clause.

MR. SHAW concurred in wishing the clauses omitted.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he was aware that these clauses were unpopular in Ireland, and after the appeal just made to him he would not press them.

Clauses 58 to 61, inclusive, *struck out*.

Clause 62 (Provision as to making of Rules of Court before or after the commencement of the Act).

MR. M'CARTHY DOWNING moved an Amendment to make the procedure and the rules as to costs the same in Ireland as in England. The hon. Member observed that no reason could be assigned for not having the law uniform on the points in the two countries.

SIR COLMAN O'LOGHLEN said, that the real object of the clause was to make the scale of fees in Ireland the same as the scale in England; but Ireland was a much poorer country than England, and could not afford to pay them.

Amendment proposed, in page 38, line 1, to leave out the word "and."—(Mr. Downing.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) opposed the

Amendment, on the ground that the circumstances and conditions of the two countries were essentially different.

MR. BUTT said, that the whole system of fees was bad, and that the relations of leaders and juniors levelled and, so to speak, "macadamized" the Bar.

MR. MURPHY opposed the Amendment.

Question put, "That the word 'and' stand part of the Clause."

The Committee *divided*:—Ayes 84; Noes 14: Majority 70. — (Div. List, No. 235.)

MR. BIGGAR moved, in page 38, at end, to add—

"This Clause shall not come into operation, and no part of it to be operative, till it has been affirmed by a vote of both Houses of Parliament."

THE CHAIRMAN pointed out that an Act could not become an Act till it had been passed by both Houses of Parliament.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 63 (Circuits and assizes).

MR. MELDON moved the omission of the clause, on the ground that it would not be advisable to entrust the Irish Executive with the absolute power of altering or re-arranging the Circuits of the Judges.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he would endeavour to meet the views of his hon. and learned Friend by introducing into the clause on the Report words to provide that all Orders in Council making alterations should be submitted to Parliament for approval before they came in force.

Clause *agreed to*.

Clause 64 (Winter assizes).

SIR COLMAN O'LOGHLEN said, he had a Bill now before the House to constitute winter assizes for Ireland. He had obtained some Returns from which it appeared that on the 1st September last year there were 160 prisoners who would not be tried till next March, and 28 of them were charged with murder. He would with-

draw his Bill if the Government would have a winter assize this year.

MR. SERJEANT SHERLOCK said, the Irish Judges were now going to deal with empty gaols, and the right hon. and learned Member was therefore premature with his Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that the necessity for winter assizes in Ireland was not nearly so serious as in England, because the County Court Judges having criminal jurisdiction, there were practically six gaol deliveries in the year in every Irish county.

Clause *agreed to*.

Clauses 65 to 69, inclusive, *agreed to*.

Clause 70 (Orders and Rules to be laid before Parliament, and may be annulled on address from either House).

MR. BIGGAR moved, in page 40, line 14, to leave out from "Session," to end of clause, and insert—

"and come into operation as soon as they have been affirmed by a vote of both Houses of Parliament."

He considered that the new rules should have been embodied in the Bill, as was the case in the English Act of 1875. He had great respect for the members of the Judicial Bench in Ireland; but he thought that the making of these rules should not be delegated to any class of persons, no matter how exalted. He urged the necessity of direct Parliamentary control over such matters as fees, &c.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) pointed out that the Bill followed almost word for word the precedent in the English Acts of 1873 and 1875, and that it was impossible for Parliament to go into all the minute and special matters of the Court, even if Parliament had the time, which it had not. The rules would be framed by the Judges under the presidency of the Lord Chancellor, and the Bill provided that they should lie on the Table of the House for 40 days. In the Bill, therefore, was a Parliamentary control which, true, was rarely exercised in the case of the English Act, but which could be exercised if any broad principle were assailed, but it was not the function of Parliament to discuss every technical point.

MR. SERJEANT SHERLOCK was of opinion that Parliament could not well

frame rules of legal practice, and that there would be in the Press, the Profession, and in Parliament a sufficient safeguard against improper rules being framed and acted upon.

MR. PARNELL denied that the clause afforded sufficient control; an objection to the rules to be operative was to be made within 40 days, but any hon. Member would have to put his objection into a Motion on the Paper, and take his chance of bringing on his Motion within that period. He would suggest to the hon. Member for Cavan to withdraw his Amendment in order to allow him to propose to insert the words, "and shall be submitted to a resolution of both Houses of Parliament."

MR. BUTT congratulated the Attorney General for Ireland on a Home Rule speech. He pointed out how the House of Commons was overloaded with work; but if this matter could be submitted to a Committee of Irish Members it might be satisfactorily settled. The Bill proposed to delegate to the Irish Judges legislative powers. It was the duty of that House to see that no rules were made to prevent the approach of the suitor to the tribunal which had to decide upon his rights. It was an utter sham to say that the proposal of the Government gave the House any real control over these rules. What power had he or any other Member of moving a negative of these rules within 40 days? If it were made a matter of "privilege," the control might be real and not a mockery. It was idle to quote the precedent of the English Bill, for that was the occasion of general complaint. The fusion of Law and Equity was more like a confusion of Law and Equity. As to the Bill itself, the people of Ireland did not want it, it was a Bill of crotchet; but if Parliament did change our ancient judicature it should take all the responsibility.

MR. O'SHAUGHNESSY thought that 40 days did not constitute a sufficient time for the consideration of rules which were to govern cases of such grave importance as those which came before the Superior Courts. If some means were not found by which the rules might be supervised by the House, he doubted whether the Bill would pass this Session.

MR. LAW pointed out that the Bill, if passed, was to come into force on the 1st of January next, and that if the

Courts were left without rules till the end of next Session it would be practically inoperative during that period.

MR. SHAW said, that 40 days was too short a period to enable them to protect themselves from the lawyers.

MR. MORGAN LLOYD thought that the period within which it should be competent for Parliament to take exception to the rules should be the whole Session.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON), said, he adhered to the opinion that it would be practically impossible for Parliament to deal with the rules as it would do with a Bill; but as to the period of time during which they should lie on the Table, he saw no reason why it should be limited to 40 days, or why they should not remain on the Table till the end of the Session, or some equivalent period.

Amendment, by leave, *withdrawn*.

MR. O'SHAUGHNESSY moved that instead of "within the next subsequent 40 days," the words, "during the next Session of Parliament" should be inserted.

MR. BULWER feared that that Amendment would do more harm than good. Although it was desirable that Parliament should retain a power of control, it was not likely that the rules framed by the Judges would actually be altered, and it would be a great mistake to put off the approval of them from Session to Session.

SIR MICHAEL HICKS - BEACH thought the understanding at which the Committee had arrived was that the time should be extended till the end of the current Session and not till a future Session.

MR. O'SHAUGHNESSY pointed out that there would be a difficulty in case the rules were sent up at a late period of the Session. If that happened, they might actually lie on the Table for less than 40 days, and it was for this case he wished to provide.

MR. ASSHETON was glad to find the Committee realized the fact that there was no use in providing that the veto of Parliament must be exercised within the stereotyped period of 40 day.

SIR GEORGE CAMPBELL expressed a similar opinion, and thought the case might be met by leaving the rules

on the Table to be challenged at any time.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 71 and 72 *agreed to*.

PART V.

Officers and Offices.

Clause 73 (Transfer of existing staff of officers to Court of Judicature.)

Amendment proposed, in page 44, line 12, after the word "Chancellor," to insert the words "with the concurrence of."—(*Mr. Law*.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) opposed the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 42; Noes 170: Majority 128.—(Div. List, No. 236.)

MR. BIGGAR moved the omission of that part of the clause which empowered the Lord Chancellor, with the consent of the Treasury, to increase the salary of any officer whose duties may be increased by reason of the passing of the Act.

Amendment proposed, in page 44, line 37, to leave out from the word "officer," to the word "Act," in line 41, inclusive."—(*Mr. Biggar*.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) objected to the Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 211; Noes 12: Majority 199.—(Div. List, No. 237.)

MR. LAW moved, in page 45, line 16, after "office," to insert—

"Except in the case of any officer who shall, at the time of the passing of this Act, have served forty years, in which case the annual sum so to be awarded may be equal to the entire of the salary and emoluments to which at the time of his release such officer shall have been entitled."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that the

matter must be considered on broader grounds. It was not a case of abolition of office, and the Act really added to the pension to which he was entitled.

Amendment *negatived*.

Clause *agreed to*.

Clause 74 (Appointment of future officers of Supreme Court.)

MR. BIGGAR moved, in page 46, line 11, to leave out from beginning, to "increase."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that this Amendment would prevent any addition to the duties of the officers.

Amendment *negatived*.

MR. BIGGAR moved, in page 46, line 22, to leave out from "thereto," to end of line.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) opposed the Amendment, thinking that the object in view was already sufficiently met by the Bill as it stood.

Amendment *negatived*.

MR. MACARTNEY moved, in page 46, line 33, after "following," to insert—

"All officers attached to the Supreme Court of Judicature, or to the High Court, or to any Division or Judge thereof, who have been heretofore appointed by the Lord Lieutenant, shall continue to be appointed by the Lord Lieutenant in the same manner as heretofore."

He considered it of great importance that the appointments of officers in those Courts should continue to be vested in the Crown, and not be transferred to the Judges.

MR. BUTT said, the Amendment was a very important one that required discussion, and as it was then too late to discuss it he moved that the Chairman report Progress.

THE CHANCELLOR OF THE EXCHEQUER admitted that the question was a very important one, and agreed that it appeared desirable to report Progress, with the understanding that the Committee would resume to-morrow at 2 o'clock, and continue the consideration of the remaining clauses of the Bill.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

The Attorney General for Ireland

SUPPLY [17TH JULY]—REPORT.

Postponed Resolution,—

(28.) "That a sum, not exceeding £12,969, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1878, for the Salaries and Incidental Expenses of Temporary Commissions,"

—*considered*.

SIR COLMAN O'LOGHLEN called attention, on the Vote for the Railway Commission, to the fact that there was no such Commission for Ireland, and complained that the Commissioners had declined, when applied to, to go to Ireland to hear an Irish case, as they were bound to do.

MR. E. STANHOPE said, the Act establishing the Commission reserved discretion to the Commissioners as to where they should hear cases. In the one case in which an application had been made for them to go to Ireland, the other side opposed the application on the ground that counsel had already been engaged in England; and the Commissioners decided not to go to Ireland, on the ground that the public convenience would best be consulted by their hearing the case in London. They were, however, prepared to hear cases in Dublin whenever it was shown that it would be for the public convenience that they should do so.

MR. BUTT said, that what was wanted was that the Commissioners should make rules to hear all Irish cases in Ireland, and Government should, if necessary, bring in a Bill to compel this. If the Government would do so, he could promise there should be no obstruction; or perhaps the Government would give him their support and an opportunity to bring in such a Bill himself.

Resolution *agreed to*.

SUPPLY.

Resolutions [16th July] *reported*.

First Resolution *brought up*, and read the first and second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

MR. PARNELL moved the adjournment of the debate, in order that the

Votes upon which he desired to raise the question of the Phoenix Park riots and the Irish Constabulary might be brought on at a reasonable hour for discussion.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Parnell.)

MR. W. H. SMITH offered to postpone the Votes in question, and to endeavour to bring them on at such a time as would afford an opportunity for their discussion; but in the present state of business he would not undertake to enter into any engagement as to the precise time.

MR. GRAY said, that he hoped the hon. Member (Mr. Parnell) would persevere with his Motion. If he did not obtain a distinct pledge let him oppose every Vote brought forward, and very likely the Government would find it convenient to give way.

MR. BUTT said, it would be reasonable to agree to the proposal of the hon. Gentleman (Mr. Smith) and pass the Votes not questioned.

Question put.

The House divided:—Ayes 16; Noes 98: Majority 82.—(Div. List, No. 238.)

Question, "That this House doth agree with the Committee in the said Resolution," put, and agreed to.

DR. CAMERON asked for an explanation of the Scotch Vote.

MR. W. H. SMITH said, he would not object to postpone the Vote.

MR. BUTT said, the challenge for the division had not come from any Irish Member. It had come from the hon. Member for Glasgow.

MR. PARNELL said, it was fortunate for the Government that the hon. and learned Member for Limerick was present, for had it not been for his declared wish he (Mr. Parnell) should have divided the House on every one of the 32 Votes.

THE CHANCELLOR OF THE EXCHEQUER said, they were anxious to make an arrangement, but it really was hard to ask the Government to do more than it had done.

The next Thirteen Resolutions agreed to.

Fifteenth Resolution postponed.

The next Resolution agreed to.

Seventeenth Resolution postponed.

The next Eight Resolutions agreed to.

Twenty-sixth Resolution postponed.

Subsequent Resolutions agreed to.

Postponed Resolutions to be considered upon Monday next.

PUBLIC HEALTH (IRELAND) BILL.

Ordered, That the Select Committee do consist of Nineteen Members:—Sir MICHAEL HICKS-BEACH, Mr. MAURICE BROOKS, Mr. GIBSON, Mr. DELAHUNTY, Viscount CRICHTON, Mr. GRAY, Sir ARTHUR GUINNESS, Mr. RICHARD POWER, Mr. KAVANAGH, Mr. BUTT, Mr. BRUEN, Mr. G. BRESFORD, Mr. MELDON, Mr. VERNER, Mr. BIGGAR, Mr. MACARTNEY, Mr. REDMOND, Mr. KING-HARMAN, and Mr. SWANSTON:—Five to be the quorum.

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Friday, 20th July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—Married Women's Property (Scotland) * (154).
Committee—Factors Acts Amendment * (140); Registered Writs Execution (Scotland) * (144); Local Government Board's Provisional Orders Confirmation (Atherton, &c.) * (86)—(Caistor Union, &c.) * (94).
Report—Local Government Board's Provisional Orders Confirmation (Bishop Auckland, &c.), now (Hyde, &c.) * (93).
Third Reading—Open Spaces (Metropolis) * (149); Consolidated Fund (£20,000,000), * and passed.

KIRWEE BOOTY.

MOTION FOR A PAPER.

THE EARL OF LONGFORD moved for copy of Protest, dated June 29, 1877, addressed to the Secretary to the Treasury, for submission to the Government Departments concerned, by Major General Colin Mackenzie, C.B., on the part of claimants to the undistributed portion of the Kirwee Booty. The noble Earl said: It has unfortunately devolved upon other noble Lords, as well as upon myself, to bring before your Lordships at various times the case of the Banda and Kirwee booty, the claimants to which still call for justice. I have now

to ask for further Papers to continue the series already on the Table, and I wish to call attention to the different modes in which cases of naval prize and military booty are treated, and to show how unreasonable it is that in one case the proceedings should be sure and clear, whilst in the other the course is complicated and uncertain. A disputed case of Navy prize is referred to the Court of Admiralty and judicially decided. A disputed case of Army booty is dealt with in Government Departments acting at their own discretion; disputes are frequent, and may become disreputable wrangles between the representatives of the troops and the representatives of the Crown. The inconvenience of such a state of things was recognized some years ago, and by an Act known as Lord Cottenham's Act, jurisdiction in Army as well as Navy cases was given to the Court of Admiralty, if the Crown should refer an Army dispute for the Court's decision; but this Act has availed little, because the troops have no right of appeal to this Court, and the officials—I do not say in pure, absolute officialism, although it looks like it—refuse to refer disputed cases to its judgment. This is the subject of complaint by the claimants to the undistributed portion of the Banda and Kirwee booty. The case of this prize has been a weary one to those concerned; but my narrative of it will not be long, and will be necessary to explain the unfair position in which those for whom I speak, principally private soldiers, have been placed, and why the Protest in my Notice has been made. During the Indian Mutiny several columns of troops, some large, some small, were employed in the field, sometimes at great distances from each other. One column captured this large booty—it was granted by the Crown as prize—and the question was then raised whether this column alone, or all who were engaged in different portions of what was the same operation, should share in this booty. The Government—Lord Palmerston's, in 1864—referred, not this precise question, but the general question of the rules for the distribution of prize, and adjustment of prize disputes, to a Royal Commission. The noble Earl (the Earl of Harrowby) was Chairman; I was a Member. We had no difficulty in reporting that the Admiralty Court should be the same to the Army as to

the Navy in all cases. The Government, without laying down a general rule, adopted the suggestion, and referred the case to the Admiralty Court, which decided the point in doubt, certain troops were named to share, others were excluded; but, in the course of the distribution, another dispute arose, whether certain funds which had come into the possession of the Government were included in the Royal grant of prize—the troops claimed the funds, the Government resisted. The prize agents acting for the troops proposed that the same Court which had settled one dispute in the cause should settle the other also, and that its decision should be final. I cannot conceive a more reasonable request. But this request has been persistently refused by successive Governments, India Office, and Treasury, and disregarded by Parliament, Lords and Commons alike. In 1872, the noble Earl who had been President of the Royal Commission asked your Lordships' opinion that, in accordance with the intentions of Lord Cottenham's Act, and with the direct recommendation of the Royal Commission, this and similar disputes ought to be referred to the appointed Court for decision. He was met by the Duke of Argyll, then at the India Office, who argued against this particular claim with all the advantage of official information, and with all the force of official assertion; he was supported by Lord Lawrence, a noble Lord formerly Governor General of India, who added the singular sentiment that—"If the case should be decided against the Government, it would be very inconvenient to the Indian revenue to pay." The House followed these authorities, and in disregarding my remonstrances adopted the view that it was a mere Departmental question of which the heads of Departments were competent judges, and the Motion fell to the ground. Much the same thing happened in the House of Commons; an imperfect discussion of the merits of the case, instead of attention to the general principle. And the claimants in this case have met with many difficulties—a contest between an outsider and office is tedious—the office can always say "to-morrow," and in this case to-morrow was 16,000 miles off. The original prize agents had left London; one of them had gone to New

The Earl of Longford

Zealand. The India Office consented to recognize a most respectable Committee of officers in their place; but when the respectable Committee became too importunate, the India Office would hold no communication, except with the regularly constituted prize agents, involving, of course, additional delay. Another instance—a Return was asked for in the House of Commons of the undistributed amount of this prize fund—somewhere in the India Office it was altered to undisputed, in which emasculated form it was ordered, and, of course, it was fruitless. In the House of Lords, a Return moved for by the noble and learned Lord on the Woolsack in 1873 has not yet been furnished, an Instruction from the India Office to the Government at Calcutta having been tacked on the Order of the House which produced by the end of 1874 a wrong Return, and when sent back for correction produced a Return dated May 1876, with all the old errors, and many pages of new error; but still withholding the information that was called for by this House. I do not say here that there has been deliberate intention to obstruct or embarrass the applicants in this case. Interviews have certainly been granted to them—their Petitions and Memorials have been received—the India Office, the Treasury, the Privy Council have had the case before them in some form or other; but all without the definite result that one judicial decision would have given. The dispute continues and will continue. I think that your Lordships will be of opinion that such disputes, which the alteration of a few words in Lord Cottenham's Act would secure, ought to be put to rest. Last year it was understood that an admitted balance of about £35,000 remained for distribution—now the announcement is made that unexpected claims, not stated, have absorbed it all, which has drawn forth the Protest for a copy of which I now move. I understand that the noble Marquess the Secretary of State for India will furnish the Paper required, with some improvements of his own to which I cannot object; but I regret that he, like his Predecessors, and I suppose like his Successors, does not see his way to put an end to such a controversy as this by obtaining a decision that must bind all parties.

Moved that there be laid before this House, Copy of a Protest, dated 29th June 1877, addressed to the Secretary of the Treasury for submission to the Government Departments concerned, by Major-General Colin Mackenzie, C.B., on the part of claimants of the undistributed portion of the Kirwee Booty.—(*The Earl of Longford.*)

THE MARQUESS OF SALISBURY sympathized with the persistency with which gallant Officers, during so many years—approaching half a generation—had pressed this case upon the attention of successive Governments. He could understand that they felt earnestly for their brethren-in-arms who thought themselves deprived of their due; but it seemed to him that with military decision they had, in coming to a conclusion, overlooked the defects of the claim. He had no objection to produce the Protest to which the Motion of his noble and gallant Friend referred; but he could not admit to be just the censure which the noble and gallant Earl had passed upon various the Departments with which the claimants had had to do. The claim put forth had been rejected by several Departments during a period stretching over five or six Governments, and by both Houses of Parliament; and it was therefore worthy of his noble and gallant Friend's consideration whether it was not really possible that the demand was ill-founded. It was originally made in Lord Canning's time; and after proper advice had been taken with reference to it the Government of India under his guidance determined that it was inadmissible. Lord Canning's views were confirmed by Sir Charles Wood. The case was brought up more than once in Parliament. At last it was finally disposed of—or disposed of at least for a time—in this way: it was submitted to the Duke of Argyll when he was Secretary of State for India, and the claim being rejected by him the Treasury was appealed to in the hope that a more impartial inquiry might be conducted by it, with the Government of India appearing before it as one of the parties in the case. The Treasury thereupon sat as a tribunal, on which were Mr. Gladstone, Mr. Lowe, Mr. Stansfeld, and the Marquess of Lansdowne: and, their verdict also was that the claim was inadmissible. It was impossible to say that most careful consideration had not been given to the case, and he could not see how there was

to be an end to the controversy if the decision which had been arrived at was not to be accepted. The case upon which his noble and gallant Friend relied was simply this: that when the town of Kirwee was taken it was found that the Rao was in possession of promissory notes of the Government of India to the amount of £250,000. That sum was claimed as lawful prize for the soldiers. But a prize had to be captured by the captors, and the captors did not succeed in capturing this particular booty. Even had they obtained the promissory notes themselves, they would only have been entitled to what they were worth; and as the property had been confiscated some weeks before by the Government of India, it did not belong to the Rao at all, and therefore could not have passed into the possession of the Army. In other words, the Rao, having no right to the money, the troops could not obtain from him any right to it. As a matter of fact, however, the promissory notes had never been found—all that was captured being some memoranda proving that the Rao had, at one time, been in possession of the money. He would not enter into legal or semi-legal arguments arising out of the case, but their Lordships would see that the refusal of this claim by successive Governments was by no means so inexplicable or unaccountable as his noble and gallant Friend seemed to suppose. To the demand of his noble and gallant Friend that the case should be referred to a judicial tribunal, his answer was that they could only refer to a judicial tribunal that which was matter of law, and that in the matter of prize money there were no legal rights whatever. The Crown exercised its bounty and that was all. It was true Prize Courts were set up; but all they did was to determine how the bounty of the Crown was to be distributed. Between the Crown and the Crown's own forces in the field there was no law whatever; and how far the bounty of the Crown was to extend was clearly a question of policy which could only be decided from time to time by the Government of the day. In the present case a decision had been given after the most lengthened and careful consideration by successive Governments and successive Parties, and to that decision it seemed to him his noble and gallant Friend might at length bow.

The Marquess of Salisbury

THE EARL OF HARROWBY observed that the merits of the case had been very fully discussed at different times; but what had never been fully met was why the question should not have been referred, like Admiralty cases, to a judicial tribunal, instead of being disposed of by a Department of the State which was interested in arriving at a particular decision. No doubt prize money was bounty; but it had long been the custom in the Navy to submit to a legal tribunal the question as to the occasion and mode of its distribution. Such a course had been recommended for the Army by the Royal Commission, over which he had the honour of presiding, and had been adopted in one case, and until the same system was adopted generally there would always be a sense of wrong and a feeling of dissatisfaction. Therefore, he regretted that Parliament—both Houses—should have refused, and still refuse, to give satisfaction to the claimants by letting them have a legal decision in their case.

THE EARL OF LONGFORD, in reply, said: The noble Marquess the Secretary of State for India has not met my case at all. The troops concerned will still say that prize granted to them by the Crown has been withheld from them by Crown officials. They are not proceeding upon bare military claims put forward by themselves; they have most eminent legal opinions—[*Names read*—] that their claims are well founded. Of course, the Crown officials will continue to assert that the funds claimed are not properly prize, and the troops will not be satisfied with their arbitrary decision.

THE LORD CHANCELLOR agreed with the noble Earl (the Earl of Harrowby) that were this a legal question it would be desirable to refer it to a legal tribunal. But was it a legal question? If it was not, of course a legal tribunal was not the tribunal to which it ought to be referred.

Motion agreed to.

INDIA (COOLIE EMIGRATION.)

MOTION FOR PAPERS.

LORD HAMPTON rose to move for Papers respecting Coolie emigration from India to the British Colonies in the West Indies. The noble Lord said,

that for the first time in a long series of years he felt justified in expressing a belief that the West India interest was in a more hopeful state of returning prosperity than it had been for a long time past. The great difficulty of the West Indian Colonies was to get labour to enable them to compete with produce of countries in which slave labour was employed. In the Spring of 1875, in consequence of the representations made by the West Indians, the Secretary of State for India addressed to the Government of India a despatch, asking it to consider whether it and its officers might not give more direct encouragement to a system of Coolie emigration from that country under proper conditions. Two years and more had since then elapsed, and he believed that no answer had been sent to that despatch until a very recent period. It was desirable to know what attention had been paid to the suggestion of the noble Marquess, who, he trusted, would be able to tell them how far the wishes expressed by the West Indians in regard to that matter were likely to be realized. He hoped, also, that his noble Friend would not relax in his endeavours to persuade the Government of India to encourage and promote the emigration of Coolies from that country. India had suffered severely in recent years from the scourge of famine; and if from the more crowded parts of that country a well-regulated system of emigration was encouraged to those Colonies where labour was urgently needed, a considerable amount of the misery resulting from those periodical calamities might be averted. Those Coolies who had emigrated there in past years had, he believed, no reason to regret the course they had taken. Many of them remained in the Colonies as settlers; while others again had, after a certain time, returned to their native country with considerable sums of money which they had earned in their possession. There could, therefore, be no doubt that a well-regulated system of Coolie emigration would be beneficial both to our Colonies and to the people of India.

Moved that an humble Address be presented to Her Majesty for, Copy of the despatch addressed by the Marquess of Salisbury to the Governor-General of India, dated 24th March 1875, respecting Coolie Emigration from India to the British West India Colonies; together

with copies of any subsequent despatches and correspondence on the same subject; with the reply of the Government of India, and any documents accompanying the same.—(*The Lord Hampton.*)

THE MARQUESS OF SALISBURY said, it was certainly true that two years ago he had addressed to the Government of India a despatch urging them to give greater facilities than had hitherto been given to the emigration of Coolies to the West Indies. His noble Friend (Lord Hampton) had rested his advocacy of such a measure mainly on the claims of our West India Colonies to be permitted to have a free supply of labour. For himself, he (the Marquess of Salisbury) did not in the least degree deny the urgency of those claims, nor did he disclaim the duty of the Government of India, as part of the Empire of the Queen, to do all which might properly lie in their power to alleviate the difficulties of the West India Colonies. But he confessed that that was not the consideration which was prominently in his mind. His belief was that an increase of emigration from India would tend, perhaps distantly and slowly, but still certainly, to an amelioration of the condition of the labouring population of that country. As was well-known to their Lordships, the condition of the labouring population of India was one which it was melancholy to contemplate; because not only were the peasantry of that country—as the tillers of the soil were in many countries—in a state of deep poverty, but it was a poverty from which there was for them little hope of escape. They were so involved in the bonds of the money lender, on whom almost for generations back they had relied, that their position had become one of absolute dependence, and their hope of saving or realizing any competency which could assure them against calamities such as that which now desolated India had almost entirely disappeared. A vast population cultivating the soil, plunged in debt, having little hope for the future, and having no security against the calamities of constantly-recurring famine, presented a phenomenon which must not only grieve every person who considered the terrible responsibility which lay on the Government of India in respect to that population, but must also in some degree alarm us for the political consequences which such a

state of things might some day produce. He did not say that emigration could cure it suddenly or magically or with any very great rapidity. But in other countries they had the fact before them that emigration not only relieved the persons who emigrated, but, by bringing home to the population the knowledge that there were in other lands better markets for their labour, it stimulated them to make an effort to extricate themselves from the position of poverty in which they lived; it gave a new energy and a new life to their thoughts; it awakened their curiosity and their enterprize; and, in a far larger degree than was measured simply by the actual numbers who went out, it tended to better the condition of the whole community. That was the advantage which he believed a well-regulated system of emigration, if it could be introduced into India, would confer on that country. It would not only benefit those who went out, but it would induce those who remained behind to seek for better markets for their labour in their own country, and thus bring gradually into cultivation vast tracts of land now lying waste and yielding no support to the millions of population. On those grounds he had thought that was a matter to which the attention of the Government of India should be called. As his noble Friend (Lord Hampton) had said, a considerable time had elapsed before he received an answer. His despatch was sent out in March, 1875, and it was in May of this year that the answer to it came. He regretted that that answer was in no degree favourable. The Government of India did not, as at present advised, desire to adopt the measure which he had suggested for facilitating and encouraging emigration. He would not attempt at present to pass any judgment upon the opinion to which the Government of India had come, or upon the arguments by which that opinion was supported. It was obvious that he would do so to very little purpose until the Papers were in their Lordships' hands; and, indeed, the matter required very serious consideration, and also consultation with the Colonial Department before they could themselves undertake to give an opinion on the judgment expressed by the Government of India. With the motive of some of the objections to Coolie emi-

gration it was impossible not absolutely and entirely to sympathize; but he believed it was in the power of this country and the Colonies themselves to give sufficient security that the interests of the labourers should be properly attended to. On the other hand, the Government of India very properly pointed out that too active an interference with the action of the population was very likely to be followed by suspicion, and that great precaution must always be observed by the English rulers in respect of such matters. In the Bengal territory—he thought his noble Friend opposite would confirm what he said—a most curious suspicion was excited by the benevolent action of the British Government in introducing large quantities of food into the distressed districts. With a population so ignorant and so apt to suspect, the Government of India did well to be cautious. All he could say in answer to his noble Friend was that in his opinion it was desirable, if possible, both for the sake of India and the West Indies, to stimulate this emigration. He should be very glad to produce the Papers in order that the public might form a judgment upon the matter, and no efforts of his to conduce to that end would be wanting. Until there had been further deliberation upon the matter, he could not say what course would be adopted.

THE EARL OF NORTHBROOK said, he could assure their Lordships that the feeling of the Government of India was in favour of a properly regulated system of emigration; and they would have no hesitation in acceding to any satisfactory proposals that were made for that purpose. But it was the duty of the Government—and he was sure their Lordships would concur in the opinion—to secure complete protection for the Indian emigrants, and to take precautions with regard to their health, their subsistence, and the security of their wages. If these precautions were taken, the Government of India would be prepared to give every facility for carrying out a scheme of emigration from India to the West India Colonies or elsewhere. He thought the noble Marquess had taken too gloomy a view of the labouring classes. So far from the labouring population being in a state of misery and distress, there were in many parts of India so

The Marquess of Salisbury

class of people who were better off, or who spent a more peaceful and happy existence. They did not consume, perhaps, as much cotton goods as could be wished: their habits and customs did not require expensive food, and they lived on their own ground in tolerable comfort. It was, however, difficult to appreciate how slightly English knowledge and civilization had penetrated the mass of the people; and he agreed with the noble Marquess as to the difficult task which the Indian Government would have to discharge if they were to interpose actively for the purpose of encouraging schemes of emigration, owing to the suspicion with which such schemes were regarded by the labouring classes of India. He wished to urge upon their Lordships that it would not be right to exercise any undue pressure upon the Indian Government in this matter, for they, after all, were responsible for the protection of Her Majesty's Indian subjects.

THE EARL OF CARNARVON said, it was satisfactory to find it admitted on all sides that if you had a large and redundant population on the one hand, and a great want of labour on the other, it was only a reasonable and a wise course to promote the removal of the redundant labour to the market where labour was employed to advantage. He thought the noble Lord on the other side of the House (Lord Hampton) laid himself open to some misconception when he implied that the precautions which were now taken and which had been taken by the Colonies for the protection of Coolies, were not such as to justify the Indian Government in sanctioning a system of emigration of Coolies from India. But, whatever evils might have existed in former times in respect of Coolie emigration, those evils had been effectually neutralized. Every reasonable precaution had been taken, and legislation of the most careful and most minute pattern had been passed for that particular object. For some few years the manner in which the emigration of labourers to British Guiana had been conducted was a model. The condition of these Coolies in most instances when they returned from the Colonies was one of enviable prosperity. He admitted, however, that jealous watchfulness on the part both of the Home Government and of the Governors of the

Colonies over the treatment of the Coolies was necessary, and if that duty was properly performed, he did not doubt that the condition of these people would be greatly ameliorated.

Motion agreed to.

House adjourned at a quarter past Six
o'clock, to Monday next,
Twelve o'clock.

HOUSE OF COMMONS,

Friday, 20th July, 1877.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Police Expenses Act Continuance* [259].

Second Reading—Local Government Board's Provisional Orders Confirmation (Joint Boards)* [248].

Committee—Supreme Court of Judicature (Ireland) (*re-comm.*) [184]—R.P.

Committee—Report—Saint Catherine's Harbour, Jersey* [251].

Third Reading—Registration of Leases (Scotland) Act (1857) Amendment* [246], and passed.

The House met at Two of the clock.

QUESTIONS.

NATIONAL EDUCATION (IRELAND) BOARD—LISNAHANNA SCHOOL.

QUESTION.

MR. ARCHDALE asked the Chief Secretary for Ireland, Whether he has any objection to lay upon the Table of the House the Correspondence between Michael G. Burke, esquire, and the Commissioners of the National Board, respecting the application to the Board to place the school house of Lisnahanna, in the county Tyrone, under the rules of that Board?

SIR MICHAEL HICKS - BEACH: Sir, I have looked into the correspondence between the National Education Board and Mr. Burke on Lisnahanna School. It relates to the refusal of the Board to take that school into connection, on the ground of it being within a cer-

tain distance of an existing vested National school. The matter seems to be of purely local interest; the correspondence is voluminous, and is in some respects of a nature which I do not think it would be desirable to print as a Parliamentary Return. No useful purpose would be served by laying it on the Table of the House, and therefore I am not prepared to do so.

PARLIAMENT — BUSINESS OF THE HOUSE.—QUESTION.

MR. MONK asked Mr. Chancellor of the Exchequer, When he proposes to ask the House to give precedence to Government Business on Tuesdays and Wednesdays during the remainder of the Session? He had put the Question on the Paper in the hope that the right hon. Gentleman would re-consider his decision as to depriving private Members of the Wednesdays.

THE CHANCELLOR OF THE EXCHEQUER: Sir, what I said yesterday was, that I intended to propose that next Tuesday and Wednesday should be given to Government Business. I shall make the proposal on Monday, and it will then be competent for any hon. Member to make his observations on it.

GIBRALTAR—TRADE REGULATIONS. QUESTIONS.

MR. HIBBERT asked the Under Secretary of State for the Colonies, When he proposes to lay the Ordinance relating to Trade and Customs at Gibraltar upon the Table of the House; and, whether in the event of such Ordinance receiving Her Majesty's confirmation it is intended to propose any Vote in this House to defray the cost of carrying its provisions into effect?

MR. J. LOWTHER: Sir, I laid a copy of the Ordinance on the Table of the House on June 22; and together with it the hon. Gentleman will find copies of all correspondence that has passed on the subject. It is not intended to ask any Vote to defray the cost of giving effect to its provisions; the slight expense incurred in consequence will be borne by the local revenue. It is sure to be submitted to the local Legislature, but I do not anticipate that it will be materially modified.

Sir Michael Hicks-Beach

MR. RYLANDS said, that the Ordinance excited much interest in many parts of England, and he wished to know, whether the House would have an opportunity of expressing its opinion on the subject?

MR. J. LOWTHER, in reply, said, that if the hon. Member would look at the Papers he would see that it had been promised that the Manchester Chamber of Commerce should be consulted, and that a copy of the document should be laid on the Table of the House. The Ordinance had now been on the Table for a month or so, during which time there had been ample opportunities of calling the attention of the House to the subject, and he would not promise to afford any further opportunity.

MR. RYLANDS gave Notice that he would take the first opportunity that the Forms of the House allowed of calling attention to the Ordinance.

CONTROLLER OF THE STATIONERY OFFICE — APPOINTMENT OF MR. T. D. PIGOTT.—RESOLUTION OF 16TH JUNE.

OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it will be in the recollection of the House that on Monday last, on the Motion that you should leave the Chair in order to go into Committee of Supply, the hon. Member for Hackney (Mr. J. Holms) moved as an Amendment the following Resolution:—

“That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments, Purchases, &c., this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House and to discourage the interest and zeal of officials employed in the Public Departments of the State.”

That Amendment having been put to the House, it became my duty to make an answer to the speech with which it was introduced by the hon. Member, and I made the best answer I was able to give upon that occasion. But I must confess to the House that at that time, from circumstances which I will explain in a moment, I was not fully prepared for some of the statements that were made by the hon. Member for Hackney. I was of course aware of the recommen-

dations of the Select Committee. I was aware they had recommended that upon the occasion of a vacancy in the office it should be filled by a gentleman possessing certain technical qualifications, and I was also aware that the office had been subsequently filled up on its becoming vacant a short time ago by the appointment of a gentleman who did not possess those technical qualifications, but who had served in an honourable way in one of the Departments of the State, and whom the Prime Minister had selected for the appointment in question. I was prepared, therefore, to hear from the hon. Gentleman the objection which he took to the departure on the part of the Prime Minister from the course recommended by the Select Committee, and I was prepared to state the grounds generally upon which that decision of his had been taken; but I was not prepared to hear some of the personal statements that were made by the hon. Gentleman, which I believe had considerable weight with the House, with regard to the supposed private relations between the Prime Minister and the gentleman whose appointment was in question. Now, Sir, I only desire to say this—soon after the Committee had reported, the question of the manner in which its recommendations should be acted upon was brought under my notice, as Chancellor of the Exchequer, by my hon. Friend the Financial Secretary of the Treasury. There was then no question of a vacancy in the office of Controller, and the arrangement which was come to between my hon. Friend and myself was that my hon. Friend the Member for North Lincolnshire (Mr. R. Winn), a Lord of the Treasury, should give his personal attention to the business of the Stationery Office, in constant communication with the Secretary to the Treasury, and when necessary with myself, and that the business should be carried on as best it might be in that manner. At the same time, the Financial Secretary and myself had some conversation as to whether it was or was not desirable to appoint hereafter a gentleman having the technical qualifications which had been spoken of. Subsequently, when it became probable that Mr. Greg would be obliged by ill-health to retire from the appointment, I had a further conversation with the Financial Secretary on the subject, and we then agreed

in the view that it would be inconvenient to fill up the appointment whenever it fell vacant by the appointment of any gentleman taken from the stationery or printing trade, and we came to that conclusion on the grounds, which I mentioned to the House on Monday last, that it would be difficult, if not impossible, to induce a gentleman who was engaged in a successful business to abandon that business for the purpose of taking such an appointment, and that, on the other hand, there would be serious objections to taking one who had either failed in business, or who was connected with a particular house. These things were considered and talked over informally by the Financial Secretary and myself, there being then no immediate prospect of a vacancy in the office. From that time until I saw the hon. Member's Notice on the Paper the subject never came before me again, and I did not hear of the actual time of the resignation of Mr. Greg, nor of the selection of Mr. Pigott to succeed him. As Chancellor of the Exchequer, I have nothing to do with questions of patronage, and I have no desire to interfere with those who are responsible in the matter. Accordingly, when the Notice was first put on the Paper, I spoke to my noble Friend (Lord Beaconsfield) on the subject. I asked him what I was to say, and if there was anything he wished particular to be said in the matter. He gave me exactly the views which I had already in conversation with the Financial Secretary seen reason to entertain myself. He said—"I don't think it would be possible to take a gentleman from the trade, and it would not be advisable to take a person who had failed in trade," and he added—"In consequence I have selected Mr. Pigott, of whom I have heard an exceedingly good character. He seems to be an able public servant, and I will give you a note of his services." My noble Friend said very little indeed about Mr. Pigott himself, except that he had heard an exceedingly good character of him from the Department in which he had served. He also said—"I know very little about him except that he is the son of a former vicar of Hughenden, and I have heard a good report of him as a public servant." Under these circumstances, I thought I was sufficiently prepared to answer the Resolution proposed by the hon. Mem-

ber for Hackney, and thought I was doing all that was necessary in pointing out the difficulties of giving effect to the recommendations of the Committee, and at the same time in saying that Lord Beaconsfield had selected Mr. Pigott from no other consideration than that of his efficiency as a public servant. But in the course of the hon. Gentleman's observations he stated that Mr. Pigott was the son of the vicar of Hughenden, and he made observations with regard to what he supposed to be the terms upon which Lord Beaconsfield and Mr. Pigott's father had formerly lived and the services which he said had been rendered by Mr. Pigott's father to Lord Beaconsfield. I was wholly ignorant that any such propositions were to be made. I was not, therefore, in a position to contradict them, or to state what I should have stated if I had expected them, and I am fully convinced in my own mind that those observations which the hon. Gentleman addressed to the House not being answered at the time had a very material effect upon the vote of the House which was come to. Since that time I have been more fully informed by my noble Friend, and he has also, as the House is aware, publicly stated some particulars with regard to this appointment. In the first place, he has stated that he never knew Mr. Pigott, the son, at all. He has also said that it is 30 years since Mr. Pigott's father was the vicar of Hughenden; that that gentleman had left the parish for many years; and that, so far from being a political friend and assistant of my noble Friend, he had in politics taken a line adverse to him, and had recorded his vote against my noble Friend's return. My noble Friend further stated what, if I had been aware of it at the time, I ought to have stated, and should have stated, and I have no doubt it would have produced a considerable impression upon the House—namely, that when the vacancy occurred, and my noble Friend was seeking for some one to fill it, he had no less than six names brought before him, all of them names of gentlemen holding positions in the Civil Service; that he considered these names, and that it was only after a comparison of them and of their respective merits that he decided that Mr. Pigott was the gentleman who held out to his mind the best promise of being well qualified to

discharge the duties that the Controller of the Stationery Department would have to perform. My noble Friend also stated that he had had no application whatever from Mr. Pigott; that no private friend of that gentleman had in any way pressed or asked for his appointment; and that there was no person upon whom the appointment came more completely by surprise than Mr. Pigott himself. Mr. Pigott, as the House is aware, has been discharging not only the ordinary duties of a clerk in the War Office, but he has been selected on several occasions to fulfil duties, either as private secretary to a Minister or Secretary to a Commission, and he has given ample proof of his general ability and his administrative aptitude. Under these circumstances, Lord Beaconsfield considered he was doing the proper and right thing by the Public Service in selecting for this important post a gentleman whom he believed to be thoroughly qualified to discharge the duties, and one who, from his general knowledge of official business, from his business habits and his character, and his coming to this office with no preconceived opinions with regard to its business, but with an entirely fresh mind, would be able best to discharge the duties that were to be assigned to him. Sir, I wish I had been sufficiently well acquainted with these facts on Monday to have been able to have brought them more prominently under the notice of the House; but as it happened I must admit that I was imperfectly prepared, and that I had not taken perhaps all the pains I ought to have taken, and should have taken, had I known what the nature of the charge was going to be, to make myself thoroughly acquainted with all the circumstances of the case. The House is aware, I have no doubt—at all events, I must state it to them—that, in consequence of the vote which was to come, Mr. Pigott immediately placed his resignation in the hands of the Prime Minister. They are also aware, or I may communicate to them, that Lord Beaconsfield, looking at all the circumstances of the case, felt that it would be quite impossible for him to accept that resignation. I may say that, although the responsibility of making selections for appointments rests entirely in these cases with the Prime Minister, he has the cordial support of

all his Colleagues in the decision to which he arrived. The whole of his Colleagues, myself included, are firmly convinced, not only that he made the selection upon grounds and no other grounds than those of public advantage, but that he was entirely right, and could have taken no other course than that which he has taken in declining to accept the resignation of Mr. Pigott. Under these circumstances, and after having made this statement to the House, I can only say that I feel the difficulty in which we are placed. There is standing on the Books of the House a formal Resolution which amounts to a Vote of Censure on the Government with respect to the appointment of Mr. Pigott to this Controllership. That Vote has produced no practical effect, because the Government have declined to accept the resignation of Mr. Pigott, which he had tendered in consequence. At the same time, I feel there is a difficulty in allowing such a Resolution as that to remain on the Journals of the House without any notice being taken of the terms in which it was couched, or the circumstances under which it was passed; but it does not lie with myself, or the Government to propose any course to the House. Therefore, having made this statement as to the circumstances under which the appointment was made and the course which we have pursued since the Resolution was adopted, I must leave the matter now in the hands of the House.

SIR WALTER B. BARTELOT said, it would be clear to the House, having listened attentively, as he had done, to the statement of the Chancellor of the Exchequer, that an opportunity should be given to it of re-considering the decision which it came to on Monday last, that decision being virtually a Vote of Censure upon Her Majesty's Government. He would, therefore, with the permission of the House, venture to read a Motion which he would propose on Monday next, to this effect—

“That the Resolution [16th July] be now read. That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution.”

THE MARQUESS OF HARTINGTON: Sir, I think it may be convenient to the House if I say a few words before my hon. Friend the Member for Hackney rises to address the House, if he should so think fit; and in rising, I do not intend to make any comments or observations on the statement made by the Chancellor of the Exchequer. That statement undoubtedly, as I conceive, has been irregular both in form and character; but, possibly, in the peculiar circumstances of the case, a sufficient justification may be found for it. I think, however, that the inconvenience of having a statement made of such an irregular character would only be aggravated if the House were to enter now upon a further discussion of the subject to which it bears reference, especially as, in answer to the indirect appeal made by the right hon. Gentleman, the hon. and gallant Gentleman opposite (Sir Walter Bartelot) has given Notice that he will call the further attention of the House to the subject on Monday. I expect that my hon. Friend behind me (Mr. Holms) may complain that he and those who voted with him are placed in a somewhat unfair position by having statements made both in “another place” and here to-day which should have been before the public before, so that they might be properly examined or canvassed; still, considering the period of the Session at which we have arrived, this subject, important as it is, is hardly of sufficient gravity to warrant the House devoting a considerable portion of two Sittings to it. I think, therefore, that it is better that the discussion should be postponed until the Motion of the hon. and gallant Gentleman opposite comes before us. I assume that the Government will give an early opportunity for the Motion of the hon. and gallant Gentleman; and if that is the case, I trust that my hon. Friend and the House may be induced to postpone any observations—and, no doubt, my hon. Friend has some—that they have to make upon the statement of the Chancellor of the Exchequer just delivered. I trust also that, in the circumstances, the rule of the House which prohibits reference to a former debate will not be too rigidly insisted upon by hon. Gentlemen opposite when the discussion comes on. My hon. Friend would be placed in an unfair position if

he were not allowed, when the Motion of the hon. and gallant Gentleman is brought forward, to comment on the statement which has just been made, somewhat irregularly, by the Chancellor of the Exchequer.

MR. J. HOLMS said, he was placed in a difficulty with respect to this matter. He would admit, from what had been said by the noble Marquess, that it would be better to defer the discussion upon the subject until Monday. But an inconvenience would arise from that course, for an important statement had been made last night in "another place," and a very important statement had been made in that House by the right hon. Gentleman, and both those statements would remain unanswered until Monday. He had come down to the House prepared, willing, and anxious to enter into the discussion, and to take exceptions to several parts of the statement made by the noble Lord the Prime Minister, and he would now ask whether the statements so made, or those which had been made on Monday last, were the statements which the House of Commons was to accept? Seeing that they were not permitted now to enter on the discussion, he hoped the Motion of the hon. and gallant Gentleman opposite (Sir Walter Barttelot) would be brought on without delay.

MR. CALLAN rose, and was received with cries of "Order."

MR. SPEAKER: I must point out that the discussion is of a somewhat unusual character. A statement has been made by a Minister of the Crown, the Leader of this House, and upon that Notice has been given of an intention to bring the matter before the House by the hon. and gallant Baronet the Member for West Sussex. A few observations have been made by the noble Lord the Leader of the Opposition, and also by the hon. Member for Hackney; but I trust there will be no debate on the subject, because Notice has been given formally to the House that this subject is to be brought under its consideration on Monday next, which will be the proper occasion for further discussion.

MR. CALLAN said, he wished merely to observe, as a private Member of the House, that he regretted that on Monday evening last, on hearing the speech of the hon. Member for Hackney (Mr.

Holms), he had been so far led away as to support his Motion.

THE CHANCELLOR OF THE EXCHEQUER: It may be for the convenience of the House, Sir, that I should give Notice that on Monday I will move that the Orders of the Day be postponed until the Notice of my hon. and gallant Friend has been brought forward.

SUPREME COURT OF JUDICATURE
(IRELAND) (*re-committed*) BILL.—[Bill 184.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

COMMITTEE. [*Progress 19th July.*]

Bill considered in Committee.

(In the Committee.)

Amendment proposed [19th July].

In page 46, line 33, after the word "following," to insert the words "all officers attached to the Supreme Court of Judicature, or to the High Court, or to any Division or Judge thereof, who have been heretofore appointed by the Lord Lieutenant, shall continue to be appointed by the Lord Lieutenant in the same manner as heretofore."—(*Mr. Macartney.*)

MR. RYLANDS said, that he considered the speech made last night by his hon. Friend the Member for Tyrone (Mr. Macartney) was well worthy of the attention of the Committee, and that the Amendment he had proposed was one of great importance, and highly deserving of support. He (Mr. Rylands) was able to speak with some confidence upon this question of judicial patronage, because he had been a Member of the Select Committee upon Civil Service Expenditure, which sat in 1873, and which collected valuable evidence in relation to the expenditure in connection with the Law Courts of this Kingdom. In the course of the inquiries of that Committee, nothing was more striking than the great difficulty which the Treasury had continually met with in controlling abuses in the expenditure of the legal Departments. There had been a constant struggle between the Treasury and the Judges, and, as a rule, the Treasury had been defeated in their attempts to protect the public purse. It would be easy to quote many instances. There was the case of the appointments made by Lord Romilly, when he was just on the point of retiring from his position as Master of the Rolls. It so happened that at that time the office of

The Marquess of Hartington

Clerk of Records and Writs became vacant by the death of Mr. S. A. Murray, and Lord Romilly thereupon immediately appointed his son (Mr. E. Romilly, then Secretary of Causes), to the vacant office; and his nephew (Mr. John Romilly) to the place vacated by Mr. E. Romilly. The Treasury protested against that abuse of judicial patronage in vain. They wrote a letter to Lord Romilly, stating—

“That although they did not dispute his statutory rights to fill up the appointment of Clerk of Records and Writs, or that of Secretary of Causes, they strongly dissuaded him from carrying out those appointments, both on general grounds and also with reference to the pending inquiry into the expenditure of Civil Services by a Committee of the House of Commons.”

There was good reason for this action on the part of the Treasury. It was considered altogether anomalous that the country should continue to pay £1,000 a-year to the Secretary of Causes, when the salary of the principal Secretary of the Rolls Court had been reduced to £800, and the Treasury hoped to make a reduction upon the occasion of the vacancy; but the Master of Rolls, although just on the point of leaving his office, disregarded the protest of the Treasury, and saddled his own relatives upon the country at disproportionate salaries. It really did seem as though Judges persuaded themselves that the offices in their gift were to be regarded as part of the consideration paid to them for the fulfilment of the duties of their high judicial position, and that such patronage might properly be dispensed without reference to the general interests of the public. Then there was the case of the retiring allowance paid to the Accountant General in Chancery upon the abolition of office by the passing of the Chancery Funds Bill. The office of Accountant General in Chancery had been a very highly paid sinecure office held for a great number of years by a gentleman who, at the time of the introduction of the Chancery Funds Bill, was considerably over 70 years of age. The House of Commons decided that the retiring allowance of that gentleman should not exceed two-thirds of his salary. The then Government concurred in the action of the House of Commons; but the Lord Chancellor for the time being insisted so strongly upon the full

retiring allowance being granted, that the Government gave way, and the House was called upon to reverse its decision. The result was that the country were now paying a pension largely in excess of what was just or reasonable. He would not dwell upon further illustrations of the abuses which had arisen out of judicial patronage in England, but he held in his hand a Paper which had been issued, showing the manner in which the Irish Judges had exercised the patronage already placed at their disposal. Down the long list of offices there appeared amongst the holders of them the sons, sons-in-law, brothers, nephews, and other collateral relations of the Irish Judges. Almost every appointment appeared to be determined by family considerations, and practically the patronage so exercised was entirely beyond the control of the House of Commons. It was very different in the case of the patronage exercised by the Lord Lieutenant, who was represented in that House by the Chief Secretary for Ireland, and could be called to account in the event of there being any grounds of complaint, and would have to justify himself in the face of Parliament and of the country. But a Judge would treat with indifference, or possibly with curt contempt, any question raised in that House with respect to the exercise of his rights of patronage. It must also be remembered that in the event of opportunities arising for the abolition of unnecessary places, or for the reduction of salary of offices in the gift of the Lord Lieutenant, the Treasury would have no difficulty in taking the necessary steps in the public interests; but there would be insuperable obstacles to such a course in the case of appointments in the gift of the Judges. It was on every ground most unfortunate that the Government had yielded to the influence brought to bear upon them by Law Lords in “another place” and by the Irish Judges. The question was not a new one, and in former years there had been a contest between the two Houses of the Legislature with reference to it. The Lords had always been in favour of giving the patronage to the Judges, whilst the Commons had insisted upon its remaining in the hands of the Lord Lieutenant. In all these struggles the House of Commons had succeeded in preventing a retrograde step, and he hoped that they

would maintain the same position at the present time. It would be of great public advantage if a large portion of the patronage now exercised by the Judicial Bench in both Kingdoms were placed under the absolute control of the Treasury, and it would therefore be most unfortunate if, by the enactment of the present Bill, there should be an extension of a bad system leading to further abuses in legal Departments.

MR. CHARLES LEWIS said, they need not be surprised that nepotism was practised by Judges, for, after all, they were but men, and therefore had their foibles. This patronage would be placed in the hands of a body practically irresponsible to Parliament if the clause were agreed to; whereas the Amendment would keep it in the hands of one of the highest officials in the Empire, who would be held responsible to the House through himself or his Colleagues. If a job came to light, it was always attacked in that House. He most cordially supported the Amendment.

MR. BUTT opposed the Amendment. He thought if Judges did appoint relatives, the evil ended there; but if the Lord Lieutenant had the patronage, he would appoint political partizans, and the evil would not end with the appointment. The patronage by the Lord Lieutenant would encourage others to look for promotion in this way. The whole life of Ireland was destroyed and weakened by the patronage that was vested in the Lord Lieutenant, and he could, therefore, be no party to extending that patronage. Neither would he cast such a slur upon the Irish Judges as to say that they were unfit to exercise the patronage given to the Chief Judges of England.

MR. M'CARTHY DOWNING maintained that the Lord Lieutenant was more likely, in the interest of the public, to make better and purer appointments than the Judges. It appeared from a list of these appointments that the Irish Judges had filled up every single berth with their own sons, nephews, and near relations. Was it to be expected that a Judge would hold the same strict hand over a member of his own family as over a stranger? It would be better that the Lord Lieutenant should exercise this patronage even for political purposes, because he would be, at all events, re-

sponsible to that House. He hoped the Irish Members would give an independent support to the Amendment.

THE ATTORNEY GENERAL for IRELAND (Mr. GIBSON) pointed out the anomaly that this patronage had been exercised by the Chief Judges in England and not by the Chief Judges in Ireland, and said, as long as it existed, the latter would be open to the charge that they were not fit to make these appointments. The question had on several occasions been discussed in the other House, and noble Lords, beginning with Lord Lyndhurst, had expressed opinions favourable to the removal of the existing distinction between the English and Irish Judges. The clause would place this patronage in the power of those who were best able to exercise it. The officers in question were those who were to carry out the work of the Court; they were necessarily brought into the closest and most confidential relations with the Judges; and if the Judges were to have credit given to them for the commonest desire to do their duty, they must be best able to select the most fitting men for these appointments. He ventured to say that no case had been made out for maintaining a different practice in Ireland from that which prevailed in England. The statement of the hon. Member for Cork (Mr. M'Carthy Downing) that all the officers of the Courts were near relatives of the Judges could only be described as an assertion characterized by all the exuberance of Hibernian fancy; but he (the Attorney General for Ireland) would have no objection to a Proviso to the effect that these appointments should be made by the Judges, subject to the approval of the Lord Lieutenant. This would give a veto on any improper nomination.

MR. SHAW thought it would be much better and more likely to secure good men if neither the Judges nor the Lord Lieutenants were allowed this large and important privilege. Judges in Ireland were appointed from strong political partizans, and were subject to much criticism. He hoped the Amendment would be pressed to a division.

MR. CHILDERS said, that he had been Chairman of the Committee on Civil Departments, and the investigation into the Judicial establishments had been one of the most painful part of

their duties. The Committee had recommended that a Commission should be appointed to inquire carefully into this branch of the subject. The tendency of the Judicial establishments was steadily to increase; it was extremely difficult to satisfy those connected with them that there was any cause for reducing the expenditure; and he attributed this mainly to the fact that the patronage of the offices in these establishments lay in irresponsible hands. To give the Lord Lieutenant a veto was a step in the right direction, but he did not think it was sufficient.

MR. GREGORY thought the Judges ought to have a voice in the selection of the officers of their Courts. He supported, therefore, the proposal of the right hon. and learned Attorney General for Ireland, that the appointments should be made by the Judges, subject to the approval of the Lord Lieutenant.

MR. LAW opposed the Amendment. He considered it desirable that the Judges should have the appointment of the officers with whom they would have to work, and with whom they were brought into daily contact. It must be remembered that the Bill provided for the complete re-organization of the Staff of the Irish Courts, and it would be the fault of the Treasury if there was a single officer in excess of the proper number necessary for the discharge of the duties. Those who were best qualified to form a correct judgment considered that the patronage ought to be given to the Judges, and it would, in his opinion, be a great mistake to vest the appointments in a Minister of State. Not a single instance had been given of the abuse of Judicial patronage in Ireland, and there was no reason why there should be a different system there from that which existed in England. It could not be expected that the Lord Lieutenant himself would know who were the proper persons to appoint; he must in that respect be guided by others, and probably by the very Judges to whom the Government proposed to entrust the duty of making these appointments. He (Mr. Law) therefore asked the Committee to adopt the clause in the Bill.

MR. MACARTNEY referred to a case in which a Judge appointed a cousin of his own to an important lucrative situation, thus indicating the influence of re-

lationship in the bestowal of appointments.

MR. BUTT, interrupting, said, he could assure the Committee that the hon. and learned Judge to whom the hon. Member alluded did not appoint his own cousin to the situation, and that the hon. Member was mistaken in the statement he had made.

MR. MACARTNEY: Then, if he did not appoint his own cousin, he appointed the cousin of a brother Judge. He (Mr. Macartney) entertained a great respect for the Judges on the Irish Bench; but he did not like to see patronage placed in their hands which they might not in their distribution of it bestow on the persons best qualified to discharge the duties of the situations to which they were appointed.

MR. DUNBAR said, that the Judges had signed a memorial to the effect that they ought to be on the same footing as their English brethren. In his opinion, the patronage in question was very properly vested in them.

SIR WILLIAM HARCOURT supported the Amendment, and said it was the only patronage that was exercised without anyone being able to question it. Patronage should be in the hands of persons responsible to Parliament. It would be a good thing if the Judges had not as much patronage as they had at present, seeing that they were irresponsible as to its exercise. It would be difficult to alter that patronage; but now that they were discussing the question as to how the patronage was to be exercised, he certainly was in favour of leaving it in the hands of the Crown, where it would be best exercised. The Attorney General [for England] defended the appointments generally made by the Judges. There were no recent instances of bad appointments. The question was, whether the appointments should be in the hands of the President of Divisions, who knew what was wanted, or in the hands of the Lord Lieutenant, who generally knew nothing of the duties required to be performed?

THE ATTORNEY GENERAL said, he did not agree with the argument of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt). It was useless to talk of bad appointments made in former days. Such assertions only exemplified what seemed to be the disposition of several hon.

Members in that House, whenever they got a chance, to attack the Judges. The proposal before the House was simply preventive of the proper principle—namely, that the patronage should be exercised by the persons most capable of judging of the qualities necessary for the office. That principle, it could be seen, had generally been carried out by the Judges in England. His hon. Friend the Member for Londonderry (Mr. Charles Lewis) had spoken sneeringly of the Judges as not free from the ordinary infirmities of human nature. But if the Judges were ordinary human beings, they must desire, for their own reputation and credit, though they might from time to time appoint members of their own family, that the persons so appointed should be fit to discharge the duties. He put it to the Committee whether these appointments ought not rather be in the hands of the Judges of the Division, who knew everything about the requirements necessary to fill them with efficiency, than that they should be made by the Lord Lieutenant, who did not, and could not, know anything at all about them, and who would probably be influenced by political considerations.

MR. CALLAN said, if they gave the patronage to the Presidents of the Four Courts, they would have a happy family party of relatives of the Judges, but if they gave it to the Lord Lieutenant they would get the ablest men appointed. He entertained great respect for those learned gentlemen; but he would rather not see them vested with the power, and he should therefore support the Amendment of the hon. Member for Tyrone (Mr. Macartney).

CAPTAIN NOLAN said, the question was, whether this House would rather see the appointments to offices in the Courts of Law in the hands of two official persons, or in those of the Judges. The 14 or 15 learned gentlemen to whom it was proposed to give the patronage would have 14 or 15 times as many relatives as the Lord Lieutenant, and they certainly would not be so amenable to public opinion. He would cite a case of appointment of officers on the Staff of the Army. If the appointments were left in the hands of the officer in command of the Staff he might, as they fell vacant, fill the vacancies with his own relations, and it must be clear to

everyone that in 10 or 12 years the Staff of the British Army would be composed of the general officers' relations.

MR. BUTT, in opposing the Amendment, said, the Committee should be careful not to vest the power of appointment to offices in the Courts of Law in the hands of persons who might exercise the patronage for political objects. He would mention, in illustration of his opinion, that a Member of that House who always supported the Government, and who, having a brother for whom he was desirous to obtain an appointment which had become vacant, hesitated as to the side on which he should give his vote when an important and close division was expected, but who, when importuned by the Government to give them his customary support, said—

“What about the situation which I want for my brother?” The Government entered into his views, and gave to the hon. Member's brother the coveted appointment, thus showing how political patronage was disposed of in filling up official appointments. He maintained that the Judges were the fittest persons to have the power of appointment, and he would refer to a recent instance in which the four Judges, though swearing in the person, declared that he was not fit for the office. He protested against making these appointments political and handing them over to the Lord Lieutenant, to be pestered by recommendations of Members of Parliament. It was supposed in Ireland that Downing Street had got its name from the frequent visits of the hon. Member for Cork (Mr. M'Carthy Downing). He believed the Judges in Ireland had exercised their patronage in the most honest, fair, and honourable manner.

MR. PARNELL expressed his sympathy with the Amendment and his hon. Friend (Mr. Macartney), who sought to throw the whole of the patronage of the appointments into the hands of the Lord Lieutenant. Although the appointments by the Lord Lieutenant to magistracies and to the Bench had not been all that they could wish, he was opposed to the creation of new vested interests appertaining to the Judges. He was in favour of open competition, and he submitted that the Government had not shown that appreciation of modern requirements which

might have been expected from them. It was said that special knowledge was required for appointments to the offices connected with the Law Courts. But how was it that persons without special knowledge were appointed to offices in the Army and Navy Departments or to the Civil Service of India? In the United States of America the offices were often filled by persons having no special qualification for them, but by political influence. That system prevailed long. He thought it was rather too late now to speak of special knowledge. It was proposed to make the Irish Judicature Bill different in important points of consideration from the English Judicature Bill.

MR. VERNER, referring to the proposal to give the Lord Lieutenant of Ireland a power to veto appointments made by the Judges, said, he was strongly opposed to any power of that kind being placed in the hands of the Lord Lieutenant, his opinion being that the exercise of such a power would make matters worse than ever.

MR. BIGGAR, in supporting the Amendment, said, there were some hon. Members in this House who, in reference to the patronage which Members of Parliament were supposed to have, claimed the right to dispose of it, and even for their own advantage. ["Name, name!"] He knew one hon. Gentleman who had expressed himself, as he thought, in that sense. The only sound system of appointment was open competition. All other systems were variously injurious. The Bill proposed to give power to the Judge to fix the situations, and then to fill them up.

MR. M'CARTHY DOWNING said, if the hon. Member for Cavan referred to him (Mr. M'Carthy Downing) in the allusion he had made, he repudiated it. He had never been guilty of corruption. He was far above it. During his absence from the House he understood that the hon. and learned Member for Limerick had said that there was an idea that Downing Street got its name from his frequent visits there. The fact was, that the only time he had gone to Downing Street since 1874 was in the company of the hon. and learned Member.

MR. BUTT, in explanation of his visit to the Irish Office in company with the hon. Member for Cork, said, he in-

timated to the hon. Member on that occasion that perhaps his constituents might not like to hear that he had been to the Irish Office, and that he might not be quite safe in their hands.

MR. M'CARTHY DOWNING: I tell the hon. and learned Member for Limerick that I am as safe, and perhaps safer, in the hands of my constituents than the hon. and learned Member is in those of his constituents.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 66; Noes 198: Majority 132.—(Div. List, No. 239.)

On the Motion of Sir COLMAN O'LOUGHLIN, the following words were inserted in page 46, line 33, after "following:"—

"All junior clerkships in the High Court of Justice shall be filled up by open competition. The Lord Chancellor shall, with the concurrence of the Civil Service Commissioners, make regulations as to the qualification of candidates and the subjects of examination."

Further Amendments made.

Clause, as amended, *agreed to*.

Clause 75 (Powers of Commissioners to administer oaths), *struck out*.

Clauses 76 and 77 *agreed to*.

Clause 78 (Clerks of Assize and Nisi Prius).

On the Motion of Mr. LAW, the following Amendment was made:—In page 51, line 40, after "circuit," insert, "and at winter assizes."

Clause, as amended, *agreed to*.

Clause 79 (Solicitors and attorneys), *agreed to*.

Clause 80 (Rules of Law to apply to inferior Courts).

MR. M'CARTHY DOWNING (for Mr. MURPHY,) moved, as an Amendment, at end of clause, to add the words—

"And Rules of Court as to pleading, practice, and procedure, empowered to be made by Order in Council as hereinbefore provided, shall be applicable to Local Courts of Record in Ireland, or to such one or more of them, and to such extent and in such manner only as said order may direct."

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) approved the

Amendment, which he said was rendered necessary by an omission in the first Common Law Protection Act.

Amendment *agreed to*; words *inserted*.

Clause, as amended, *agreed to*.

Clauses 81 and 82 *agreed to*.

Clause 83 (Saving as to Lord Chancellor).

MR. BIGGAR moved, as an Amendment, in page 53, line 36, after "retained," insert—"so that they shall in no case increase." He thought that the Lord Chancellor should not be allowed to increase salaries.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) pointed out that the Lord Chancellor could only act with the assent of the Treasury, which was a sufficient check on the abuse of the power.

Amendment *negatived*.

Clause *agreed to*.

Remaining clauses *agreed to*.

On the Motion of MR. ATTORNEY GENERAL for IRELAND, the following clauses were *read* a first and second time, and *added* to the Bill:—

(Provisions of 21 and 22 Vic. c. 27, and of 25 and 26 Vic. c. 46, to apply to this Act.)

"All the provisions with reference to the assessment of the amount of damages, or the trial of questions of fact by or before the High Court of Chancery in Ireland, which are contained in 'The Chancery Amendment Act, 1858,' or 'The Chancery Regulation (Ireland) Act, 1862,' shall apply to the assessment of damages and the determination of questions of fact by or before the Chancery Division of the High Court as constituted by this Act, or any judge thereof, anything in this Act to the contrary notwithstanding."

(Powers of commissioners to administer oaths.)

"Every person who is or shall be authorised to administer oaths in any of the courts whose jurisdiction is hereby transferred to the High Court of Justice, shall be a commissioner to administer oaths in all causes and matters whatsoever which may, from time to time, be depending in the said High Court or in the Court of Appeal: and every such commissioner, if a solicitor, is hereby authorised to exercise his functions as such commissioner in any part of Ireland without regard to any limit of place specified in his commission. And all answers, disclaimers, examinations, and affidavits in causes or matters depending in any of the courts whose jurisdiction is hereby transferred to the High Court of Justice or Court of Appeal, or in the said High Court of Justice or Court of Ap-

peal, and also acknowledgments required for the purpose of enrolling any deed in any of the said courts, or affidavits to memorials for the purpose of registering deeds in Ireland, shall and may be sworn and taken in England or Scotland, or the Isle of Man, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of Her Majesty in foreign parts, before any judge, court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of Her Majesty's Consuls or Vice Consuls in any foreign parts out of Her Majesty's dominions: and the judges and other officers of the several divisions of the said High Court or Court of Appeal, and also the registrar and other officers of the office for the Registry of Deeds in Ireland shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, person, Consul, or Vice Consul attached, appended, or subscribed to any such answers, disclaimers, examinations, and affidavits, acknowledgments, memorials, or other documents to be used in the said High Court, or in any of the divisions thereof, or in the Court of Appeal, or in the office for the Registry of Deeds in Ireland."

MR. BIGGAR moved, as an Amendment, after Clause 18, to insert the following clause:—

(Judges shall retire at the age of seventy.)

"All judges of Supreme Court shall retire as soon as they have reached the age of seventy years."

He had heard the Bill described as a lawyers' Bill; but his Amendment was more in the interest of the public than the Profession, and had for its object the increase of the efficiency of the administration of justice. In putting the age at 70, he did not think the Government would object; for in a discussion a short time ago the Government fixed the age at which Army chaplains retired at 60. There had been instances on the Irish Bench where, from physical weakness, the Judge could not sit after 12 o'clock. He did not know the age of a single Judge now sitting, and therefore there could be no suspicion of political or other feeling.

New Clause (Judges shall retire at the age of seventy,)—(*Mr. Biggar*),—*brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. M'CARTHY DOWNING thought the Amendment was not in the best form which might be devised.

The Attorney General for Ireland

There were many men at 70 whose intellect and faculties were as clear as others at 50. At the same time, he thought some such limitation requisite, and that the power would be very properly vested in the Lord Lieutenant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) was happy to say that he believed there was hardly in Ireland a single Judge of the Superior Courts of the age of 70. Two of the Chief Judges were well under 50, so that was satisfactory if this clause should become law. But no arbitrary rule of the kind could be laid down, and, as had been said, some men broke down at 40, and others had all the strength of their intellect beyond 70. The rule would also open up a long vista of pensions for retiring Judges—no unimportant consideration.

MR. PARNELL said, the Amendment was a reasonable one. Surely when a man had filled the allotted space of most ordinary men—three-score years and ten—after good service to his country, he should be allowed to retire. He believed some limit ought to be put to the age of a Judge. [*A laugh.*] He did not mean the natural life of the man, but his official life. In various branches of the Public Service officers were forced to retire at an age earlier than this. Judges had been known to sit upon the Irish Bench after they were so deaf as to require to have an answer repeated two or three times; and there were other cases of Judges exercising their functions years after they had become physically incapable of doing so properly.

MR. OSBORNE MORGAN gave the clause a qualified support, and recommended the addition of words which would give the Lord Lieutenant for the time being power to extend the time for a Judge's retirement beyond the age of 70 years, if he thought the Judge in question still capable of efficiently performing his duties. A man's brains were generally gone at 70, but there might be exceptions. Lord Campbell was a good Judge for 10 years after he attained his 70th year. There were, however, on the Bench at the present time Judges who, much as they were respected, had nevertheless outlived the vigour of their intellect.

MR. BIGGAR approved of the suggestion of the hon. and learned Member. He was determined, however, to press

the clause now before the Committee to a division.

Question put.

The Committee *divided*:—Ayes 20; Noes 223: Majority 203.—(Div. List, No. 240.)

MR. BIGGAR moved, as an Amendment, the insertion of the following clause:—

(Lord Lieutenant shall call on Judge in failing health to retire.)

“As soon as a Judge becomes unfit to perform his duties from defective sight or hearing he shall be called upon by the Lord Lieutenant or Lord Justices to retire.”

SIR COLMAN O'LOGHLEN said, he could find no justification for such a clause. If a Judge should retain his seat after becoming blind or deaf, then it was a case for the House of Commons to decide, but it was monstrous to give such power to the Lord Lieutenant.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) objected to the clause. It would be an invidious, an odious, task for the Lord Lieutenant or any other person to have cast upon him to measure the exact amount of infirmity which should disqualify a Judge from performing his duties. It was a matter which ought to be left to the influence of public opinion, as expressed in the House of Commons. He must appeal to the hon. Member not to press his Motion, and leave the power to the Houses of Parliament.

MR. PARNELL said, that the remedy would be arrived at in a roundabout way, and he would suggest that the right hon. and learned Attorney General for Ireland might facilitate the matter by a proposal on Report to prevent a scandal which existed in Ireland, arising from incapacity, through bodily infirmity, of Judges to discharge their duties.

MR. BIGGAR expressed himself ready to withdraw the Amendment, but said that the continuance of blind and deaf Judges on the Irish Bench had been a grave scandal, as some had continued there merely for the sake of keeping political opponents off the Bench.

Clause, by leave, *withdrawn*.

THE CHAIRMAN ruled that the proposed new clause standing on the Notice Paper in the name of the hon. Member for Cavan (Mr. Biggar) and providing that all Election Petitions be tried by

three Judges, one from each of the Common Law Courts, was out of Order, as being inconsistent with Clause 41.

MR. PARNELL wished to know why the proposed new clause was out of Order? They desired to increase the number of Judges.

THE CHAIRMAN said, that the clause was out of Order, inasmuch as Clause 41 incorporated the Elections Act of 1868, which provided that Election Petitions should be tried by one Judge.

MR. BIGGAR was proceeding to move Amendments to the Schedule, when—

It being ten minutes to Seven of the clock, Debate stood adjourned till *this day*.

House resumed.

Committee report Progress; to sit again *this day*.

And it being now Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CRIMINAL LAW—PARDON OF THE FENIAN CONVICTS.—RESOLUTION.

MR. O'CONNOR POWER, in rising to move—

"That, in the opinion of this House, the time has come when Her Majesty's gracious pardon may be advantageously extended to the prisoners, whether convicted before the Civil Tribunals or by Courts Martial, who are and have been for many years undergoing punishment for offences arising out of insurrectionary movements connected with Ireland,"

said, that as he had frequently addressed the House on this subject, it was only necessary for him to make a very brief statement on the present occasion, partly as an act of courtesy to the hon. Members who were present, and partly because of certain utterances which had recently proceeded from the Treasury Bench. In

his judgment the continued incarceration of these political prisoners was not only a source of grave dissatisfaction, but of grave disaffection amongst the people of Ireland, and was also a source of surprise to many influential and respectable persons in this country who, after calm and impartial inquiry, failed to discover any grounds of sound public policy to justify the detention of these prisoners. Last year it was his duty in connection with the hon. Member for Limerick, and the noble Lord the Member for the county of Clare (Lord Francis Conyngham), to forward a Memorial to the Prime Minister in favour of an unconditional amnesty for these men, signed by 138 Members of Parliament, and the signatures would have been much more numerous had not many hon. Members been under the impression that most of the prisoners who were still detained were convicted of offences of a very aggravated nature. After the Memorial had been forwarded, and had been favoured by a negative reply from the Home Secretary, he brought the subject before the House, and was supported on that occasion by several English Members, including two ex-Cabinet Ministers, who had not signed the Memorial, their votes being gained because he was able to show to some extent that the prisoners had not committed offences of the aggravated character which those hon. Members had previously been led to believe was the cause of their punishment. But, before bringing the question under the notice of the House, he endeavoured to obtain the records of the proceedings before the court martial, and in the trials at Manchester, and the Government having declined to produce those records, they were no longer at liberty to found any argument upon the gravity of the offences. His observations had reference to the prisoners, three of whom were convicted of offences against the Articles of War, and two of participation in the attack upon the prison van at Manchester, and the shooting of Sergeant Brett. He did not go into the case of the sixth, because he was glad to remember that the Home Secretary stated that that case was under consideration of the Government, and he hoped that if not that at least at an early day the Home Secretary would be able to announce the release of Michael Davitt. The whole question involved

nothing more than the liberation of six individuals. Three of them had already suffered 11 years' penal servitude for what were called military offences, but what he called political. He would not, however, quarrel with the term, but would ask the House to consider the provocation these men received, in the state of Ireland, the non-action of Parliament, and the refusal for a long period to redress admitted grievances; and it should also be remembered that they were nothing more than the tools and instruments of a political organization. Then, he would ask whether they had not expiated whatever offence they were guilty of by 11 long years of imprisonment? One of the three military prisoners was Corporal Chambers, at whose trial by court martial Constable Talbot and other Government witnesses against the Fenian prisoners were examined for the purpose of establishing a connection between the acts of the accused and the Fenian Brotherhood. If these men were not political offenders, he wanted to know why the Government did not demand the extradition as ordinary criminals of the six others who, last year, when the Prime Minister was coldly refusing to purchase a nation's gratitude by releasing these men, were snatched out of the hands of their keepers in Western Australia and conveyed to America, and why they did not protest against their being received as political offenders? That circumstance went to show that, even in the secret consciousness of Her Majesty's Ministers, there must be an acknowledgment of the political character of the offences committed by these men. None of the prisoners for whom he pleaded took any part in the Clerkenwell explosion; and though he had heard hon. Members say that they would vote for the release of all the other prisoners, it was a fact that those who were concerned in that act had in the ordinary course of law, or by the clemency of the Crown, been liberated long ago. In the case of the Manchester prisoners, which was a strong one in their favour, it was not denied that the shooting of Sergeant Brett was not a deliberate act. An attack was made upon the prison van which contained two distinguished leaders of the Fenian movement, and a revolver which was fired into the lock of the van happened to shoot Sergeant Brett. Without attempting to dispute that the

offence was technically a capital one, he would point out that never was an offence of the same dimensions expiated and avenged by the public law with greater severity. Three human lives had been sacrificed in consequence of the accidental shooting of Sergeant Brett, and six or seven men underwent five years' penal servitude in connection with the same offence. He did not ask the House to pass any censure on the president of the court martial or the Judges as to the sentences passed upon the prisoners, but the evidence in the case of the Manchester prisoners was in some respects of so incomplete and tainted a character, that one man who was sentenced to be executed was afterwards liberated, because the Government found that he had nothing to do with the transaction. Judged by the example of other nations the conduct of the British Government in the treatment of Irish political prisoners was without a parallel. The crisis in which France had recently been plunged did not prevent the President from releasing 800 Communists, whose object had been to overturn the very foundations of society; and immediately after the close of the Civil War in America, the cry of the Northern States was for an amnesty for the South, and not for revenge; and the subsequent policy of the American Government in the same direction had been universally recognized as wise and statesmanlike. If they really wished reconciliation, that was the way the Government should deal with the Irish people; but they had taken a course which tended to keep alive the strife of centuries, and to give point to a popular Irish ballad entitled *The Felons of our Land*, in which occurs the line—

“A felon's cap's the proudest crown an Irish head can wear.”

They would not succeed in degrading those men in the eyes of their countrymen any more than they succeeded in the same thing in 1848; and the visitor to Dublin would find in the centre of the greatest thoroughfare in the city the marble form of the gallant leader of the Irish people, William Smith O'Brien. These men were said to be not political prisoners, but felons. The Treason Felony Act had been the beginning of this notion, and how had it succeeded? The issue before the House was a very clear

and simple one. There were six men detained; three for military offences, who had suffered 11 years; two for participation in the shooting of Sergeant Brett, and one had been convicted of a distinctly political offence on the charge of treason felony. He appealed to the Government once more to re-consider the whole subject of the Irish political prisoners, and see whether, so far from endangering the public peace by the liberation of those men, they would not rather stir the fountains of Irish gratitude, and produce a general feeling of satisfaction in Ireland. Trusting that the answer of the Government would not admit of the reflection—

“Forgiveness to the injured doth belong;
They never do forgive who do the wrong”—

he would conclude by moving the Resolution of which he had given Notice.

MAJOR O’GORMAN, in rising to second the Motion, said, that after the very exhaustive speech of his hon. Friend the Member for Mayo (Mr. O’Connor Power) he had very few remarks to make on that very important subject. He did not stand there for the purpose of palliating in the slightest degree the acts for which these men were confined in prison. He freely acknowledged that they had been guilty of the offences for which they had been punished. He was too well aware of the necessity of maintaining discipline to say one word in palliation of the crimes they had committed; but he was there, in his place, simply as a Member of Parliament, to ask that honourable House, composed of the first Gentlemen in Europe, to take pity on these poor prisoners. He asked no more, and had nothing to say in their defence. They had been condemned, and, he would acknowledge, righteously condemned. Was it intentional to still promote the imprisonment and punishment of those unfortunate people? He rather thought that the verdict of the House would be the reverse. He asked, therefore, for pity for these people, and he hoped that he should not be disappointed. But there was one point he would like to argue with the right hon. Gentleman the Home Secretary, and he took the opportunity of acknowledging that no right hon. Member ever occupied that position at the Home Office who had done so much justice to it, or shown

more consideration for the just claims of those who were imprisoned. He rather thought, however, that, in the contest with respect to that question, the right hon. Gentleman had made a mistake—and he was not singular in it—for he had somewhat forgotten the history of his own country, in adopting the tactics used on a former occasion in reference to this subject. Other hon. and right hon. Gentlemen, who had stood up in former Sessions on the Conservative side, had adopted the same principles and tactics as the right hon. Gentleman. He (Major O’Gorman) said this without meaning any disrespect; but he begged most distinctly to declare to the right hon. Gentleman, and to the House, and to that great country, which must be the judge of them all, that it was not correct to say that a man who had been guilty of violence, such as it was acknowledged these men had committed, might not still be a political offender. He could prove that most of the great political men of the country for centuries back had been most violent political offenders, or most violent offenders; he would leave out the word “political.” Their policy was political, but they had used violence for the purpose of carrying their politics into effect. And he maintained that the right hon. Gentleman, and those who had preceded him, in considering that great subject, had been guilty of incorrectness in saying that the offences these men had committed were simply the offences of vulgar murderers. If these men had been guilty simply of vulgar murder, then the history of England contained a great many very vulgar murderers; very vulgar indeed. For he thought he could prove that the most celebrated politicians in English history were men who had made use of outrageous violence. He would begin at the very head of society. Richard II., King of England, had been murdered by his own first cousin. He happened, unfortunately, to be in Ireland—that unfortunate country—when Bolingbroke set up the colours of rebellion in England. And when the unfortunate Richard landed, he was arrested and sat upon a wretched horse, and escorted up to London. He was the undoubted King of England; there was no doubt about it, no man could dispute it. He begged to lean on that question longer than he should

Mr. O’Connor Power

wish for the convenience of the House, in order distinctly to prove that political offenders had generally been guilty of the most violent offences. The King had been brought up to London; and was it necessary for him to go through and recapitulate the sufferings of that unfortunate King of England in that very town? No! He was certain that hon. Members all about him were too well acquainted with their own history. He had been murdered in that town, and his Crown had been put on the head of his murderer, Henry IV. And by the will of whom? By the will of those men who now wanted to prosecute further the incarceration of these wretched Irishmen. [*Laughter.*] Well, if they denied their ancestry there was an end of it, and he was with them. Their King had been murdered by a rebel, and that rebel assumed the Crown and put it on his own brow. And he reigned, and his son reigned, and his grandson. And yet he had been guilty of the most utter violence that any man could have been guilty of. Now, there was an instance which he thought to be true. He would go a little further. He would show them another royal rebel and regicide who had been distinctly rewarded by the great English people—Henry VII., Sir Henry Tudor, a vulgar Welsh knight. He had been made Earl of Richmond by somebody, whom he knew not, and he did not care. He was only a bastard great-grandson of John of Gaunt. What did he do? Let hon. Members remember their history. It was of great necessity to him in his present case. Richard III. was the undoubted King of England. There was no mistake about it. But what did this regicide and rebel, backed by the people of England, do? He had raised the standard of rebellion, and in open battle defeated his own King, and they were told in Shakespeare, but nowhere else he was glad to say, that he had murdered him on the field of battle. That man, the vulgar Welsh murdering knight, had been made King of England. And yet that man was not only elected King, but they took the Crown off the head of the beautiful Princess Elizabeth, the only surviving daughter of Edward IV., who was made Queen Consort, though she was entitled to be Queen Regnant. That was the reward which was given

by the great people of England to the man who murdered their King, and who refused to allow his wife to be Queen of England, to which she was by right entitled, while he had no more title to the Crown of England than he (Major O'Gorman) had. That beautiful Princess was the only surviving daughter of a man who had been King of England, and whose two sons, it was said, were murdered in the Tower, though he did not believe a word of it himself. Yet she was passed by, and, instead of being Queen Regnant, she became the Queen Consort of the rebel bastard, and no man in that House could deny it. He would now go a little further into the history of England. He did not want to detain the House long, and he was sure he might appeal with confidence to hon. Members whether he had ever been a bore in the House. [*Cheers.*] He was obliged to hon. Gentlemen for acquitting him of that at least by those cheers. He now came to a rebel who was not so distinguished a murderer as Henry VII., he meant Cromwell. He murdered Charles I., and what became of him? He died in his bed comfortably afterwards, the Ruler of his country. It was a small thing to say that they afterwards pulled up his poor remains and hung them in chains, but that was all vanity. He was a regicide; he was a most violent politician, far more violent than those poor people who, after 10 or 12 years' imprisonment, they still wished to keep in prison—or rather they did not wish it, for he did not believe there was an hon. Member on the other side who desired to prolong their punishment. How could they with the history of Cromwell before them, who murdered his King and died comfortably in his bed? Could any one deny that? Not one. He was well known in England; he was well known in Europe; and England was never so much respected as she was during the Protectorate of Cromwell. So much for a violent politician of former days, who made use of the most violent means to accomplish his ends. The greatest compliment ever paid to Cromwell was when Charles II., the son of the man who was murdered by him, sent the son of the Earl of Cork to ask Cromwell to allow his daughter to be married to himself. If that was to be the reward of a regicide, let them open the prison doors to these poor

people at once. They must do it; they could not refuse it. To come further down to more modern history, there was one name which he thought would be remembered in England for many days, and if not in England, at least it would be remembered in every other country in the world—he referred to George Washington. He thought it would be admitted that that gentleman was rather a violent politician; yet he slept in an honoured grave. Nobody passed by his grave except in silence and in respect. That man, if he had failed, would have been treated as a rebel. He was sorry to hear his hon. and gallant Friend—if he would allow him to call him so—the Member for Brighton (General Shute) say last year that the Irish political prisoners should have been whipped at the cart's tail. George Washington never whipped the Marquess of Cornwallis when he had him in his hands. No, he treated him with respect, as one whom he had conquered in honourable warfare; and George Washington, the greatest rebel of modern times, now slept in an honoured grave. Was it necessary to recapitulate the story of Louis Napoleon, who went from this country to Boulogne and deliberately with a pistol shot a man in the ranks of the French Army? What was his reward? He was made Emperor of the French. What was he to say with respect to Count Andrassy? Thousands of pounds were offered for him dead or alive by the Emperor of Austria. He commanded the rebels of Hungary against their rightful King—not the Emperor of Austria, but the King of Hungary—and what became of him? Was he in gaol like those poor fellows, the Fenian prisoners? No; he was now Prime Minister of Austria and Hungary too. If he went back some thousands of years—[*Laughter, and* “No, no!”]—he observed that the right hon. Gentleman the Secretary of State for War, though not exactly impatient, rather implored him not—and he assured him it was not his intention to do so; but if he were to go back he should instance King Mithridates. He reigned for many years as King of Pontus, and he executed 80,000 men in one day. He might be considered a very violent politician, but no one dared to use violence towards him, and he reigned to the hour of his death very com-

fortably, and was never put in gaol at all. They sent Julius Cæsar to attack him, but he was too late for old Mithridates. Then there was an officer of the name of Sylla, whom they all must have heard of. He put 5,000 men to death one day while he was eating his luncheon. Some one who heard the cries of the victims asked—“What are these cries?” “Oh,” said he, “A few scoundrels whom I have ordered to be executed.” Yet Sylla was not only Dictator of Rome, but actually resigned that position in order that the people might try him if he was guilty of any crime, and they deliberately declared that he was not; and yet he was a most violent politician. He hoped with all this evidence he had convinced hon. Gentlemen opposite. Were they prepared to go into the same Lobby with him, or to say “agreed?” If they were, he should not say another word. He never got up in that House without intending to win. He hated speaking; he detested it. His hon. Friend the Member for Warwickshire had asked him to go to Oxford to-morrow for some celebration or other. He gave him a half-promise to go, but when he was told that he should have to make at least three speeches he decidedly declined. Therefore, as he was not fond of speaking, if hon. Members only intimated that they were convinced by his arguments, he would sit down. In that House they were men, they were Gentlemen, they were Christians; he hoped they were all good fellows; and he asked—Was there any good fellow in that House who would deny liberation, after their long incarceration, to these poor men? He thought he had proved his case so far by the historical facts he had cited, but he should throw all those arguments overboard and go altogether on a new ground. He would rely altogether upon the kindness and upon the good heart of Her Most Gracious Majesty Queen Victoria to release these prisoners, and he was sure that if his request were conveyed to her she would release them. He remembered long ago, when he was a young man, when she came to the Throne—

MR. SPEAKER: I must remind the hon. and gallant Member that the introduction of Her Majesty's name into the debate is out of Order.

Major O'Gorman

MAJOR O'GORMAN said, he did not intend to violate the Rules of the House, but merely to mention a circumstance that came under his personal observation in 1874, and which he thought he was entitled to refer to. After the Session of that year, the first Session he had spent in that House, he returned to Ireland, and one day, when sitting in his room, a knock came to the door. He answered the knock himself, and found outside the door a man, poorly, but respectably, dressed. He asked him what his business was, and the man said—"In the month of May last my wife had three children at a birth, and I wrote immediately to the Palace asking for the usual sum which is given to poor people on those occasions." ["Question!"] He said he received an answer from General Sir Thomas Biddulph asking for particulars.

MR. SPEAKER: I am very unwilling to interrupt the hon. and gallant Member; but I fail to see the connection which the observations he is now making have with the subject before the House.

MAJOR O'GORMAN begged pardon; he was sorry he could not give the anecdote which the Speaker had ruled to be out of Order, as he thought it one of his strongest arguments. He hoped the Government would not advise Her Majesty at all; but would leave this act of leniency to the exercise of her undoubted Prerogative. ["Order!"] He was in Order, at all events in speaking of the Prerogative of the Queen. If the Government would only consent to suspend their advice, not for one day, but for one hour, he was convinced of the success of the Motion. The Prerogative of mercy was a grand Prerogative. If they were told the King of Sparta, Agesilaus, suspended the law of his country for one day, let the Ministers of England suspend their advice for one hour, and he had no doubt that the Royal Prerogative would be graciously exercised. Let Her Majesty exercise her Royal Prerogative and all would be well, for were they not told that—

"The quality of mercy is not strained;
It droppeth, as the gentle rain from heaven
Upon the place beneath: it is twice blessed;
It blessing him that gives, and him that takes:
'Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown;
His sceptre shows the force of temporal power,
The attribute to awe and Majesty,

Wherein doth sit the dread and fear of kings;
But mercy is above the sceptred sway,
It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show likest
God's

When mercy seasons justice.
Though justice be thy plea consider this—
That in the course of justice, none of us
Should see salvation; we do pray for mercy,
And that same prayer doth teach us all to
render
The deeds of mercy."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the time has come when Her Majesty's gracious pardon may be advantageously extended to the prisoners, whether convicted before the Civil Tribunals or by Courts Martial, who are and have been for many years undergoing punishment for offences arising out of insurrectionary movements connected with Ireland,"—(Mr. O'Connor Power,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEASE defended those who were favourable to the liberation of the Irish political prisoners, from the charge which had been brought against them of being actuated more by sentiment, than by a just and fair consideration of the circumstances of their case. He held that it was by a sound judgment those hon. Gentlemen were guided who had now memorialized for the release of the prisoners. Had he (Mr. Pease), for one, been asked to sign that Memorial some years ago, he certainly should have declined. He had felt it a very painful duty to support by his vote those Coercion Acts which had been brought in and continued by successive Governments, because he regarded it as a public duty to guard against all assailants the integrity of the Empire and the securities for the peace and well-being of Ireland. But there were no such dangers to be guarded against now. As regarded the prisoners, there were now only six of them to be dealt with; two of them were connected with the Manchester outrage, three were military prisoners, and the other had been convicted of a distinctly political offence, described as treason-felony. Now, what had brought these men into contact with rebellion? On the other side of the Atlantic there had been a protracted and sanguinary war, which brought into existence, as was the rule

with wars, a number of mere soldiers of fortune. Peace found these men without employment, and Ireland in a state of chronic disaffection, and they fomented the disaffection that existed and joined in the rebellion that followed. From the fertile seed-plot of the American war had been spread the germs of much lawlessness and violence, both in Ireland and in America. In the latter country it might be long ere the effects ceased to be seen. In Ireland the danger, they trusted, was overpast. The measures passed by Parliament had succeeded in removing much disaffection from Ireland, and that country was now in a much improved state compared with its condition 10 years ago. When these prisoners were tried crimes of all kinds were rife; now prisons were empty, workhouses were being closed, agrarian crime had almost ceased, and the Judges of the land were passing from circuit to circuit without finding any offenders to be tried. The country was in a state of alarm, and Government required to put forth a strong unfaltering hand when those prisoners were sent to gaol; but now they could afford to look back on the circumstances of that time, and make allowance for whatever tended in the past to lead them into rebellion. He had always thought, and he believed hon. Members who had investigated the circumstances would agree with him, that there was some contributory negligence on the part of the Executive Government. The authorities well knew, from telegrams they had received from Ireland, that a rescue at Manchester was in contemplation, and yet they permitted certain prisoners, the object of the contemplated rescue, to be accompanied only by two or three policemen through a crowd of on-lookers actuated by tremendous excitement. For the outrage that followed under these circumstances, moreover, three men had been hanged, while five or six others had undergone long periods of imprisonment, because of being technically implicated in the crime for which others had suffered the extreme penalty of the law. He could not fail to draw a distinction between the crime which was perpetrated under the political circumstances to which he adverted, and the deliberately planned assassinations which were the subject of discussion in that House the other day. when discussing the question of the pro-

posed abolition of capital punishments. He, for one, believed that from the number of shots that were fired, had murder been contemplated, these would have been more effectual. ["Oh, oh!"] Such was his view. According to the evidence there were 20 to 30 men armed with loaded revolvers, and yet Sergeant Brett was shot unintentionally, in the course of an illegal attempt to effect a rescue. Then, again, the crime charged against one of the military prisoners was that of failing to give information of the contemplated rescue. That was, he admitted, an offence that called for punishment. On whom were they to rely, if not on the non-commissioned officers? But let it not be forgotten that that man bore a good character for 10 years' exemplary conduct—a circumstance invariably taken into account in estimating the severity of punishment due to crime; and then let hon. Members consider whether, after the long period of incarceration that man had undergone, it was not now a favourable time for inquiring how much longer for such an offence was imprisonment to be continued? Would not the country be as safe if the punishment were now remitted, as by its continuance? Were the Representatives of the people to say that it was absolutely necessary to the national safety and welfare that these men—some of them yet young men—must be kept in prison during the whole period of their natural lives? There was nothing derogatory to the power and dignity of the Government in giving a negative answer to this inquiry. Allusion had been made to certain men who had escaped. Had any steps been taken for the recovery of these men? He fancied the Government never wished to see them again. Well, they had had a real rebellion some years ago in Ireland, headed by a Gentleman who sat for many years in that House, and was highly respected by all who knew him—he alluded to Mr. Smith O'Brien. He was taken while in arms, holding a cottage for some hours against the Queen's soldiers; and, in that extreme case, when the offender was actually convicted of treason, and formally sentenced to be hung, drawn, and quartered, the dread sentence was afterwards commuted to 14 years' banishment, and was afterwards again commuted, and Mr. Smith O'Brien was brought home to his country. Had any of the men whose fate was now be-

Mr. Pease

fore the House of Commons been guilty of as great a crime as Mr. Smith O'Brien? He had signed the roll of Parliament, had taken the oath of allegiance, was in the Queen's commission of the peace, and yet it was felt consistent with public safety to commute his punishment twice after he had been sentenced to death, and had been transported to mark the turpitude of his crime. He (Mr. Pease) confidently submitted that the political prisoners now under consideration ought not to be treated with greater harshness. They had offended, in ignorance, and under great temptation, and sinister and powerful influences. They had already suffered sufficiently to deter others; and he, therefore, trusted the House would pass the Resolution before it, and show the country to be as generous as it was great; by allowing those men to be released on their parole they would earn the gratitude of their fellow-countrymen.

MR. GATHORNE HARDY said, the Executive Government of any country had laid upon it a most solemn, responsible, and difficult task when it came to deal with crimes such as those which had been committed by men in the position of those whose pardon was now asked by the hon. Member who had brought the Motion before the House. He could not enter upon a discussion of the question under consideration without remarking upon two of the speeches which had been delivered, and which were calculated to check any inclination to mercy that might otherwise have existed. The whole circumstances were under the consideration of the Government, which had to pay regard to matters unknown to the House, and which were naturally outside its cognizance. He had listened with amazement to the speech of the hon. Member for South Durham (Mr. Pease). The hon. Member said he did not palliate or extenuate the crime that was committed at Manchester, but that was what he had done. He had reduced a crime of outrageous murder—"No, no!"—a crime of outrageous murder, committed in a peaceable community, to a light offence, and he had charged the executive of Manchester with a want of faith in the loyalty and peaceable disposition of the inhabitants of that town. He had also told the House that there was no intention of making the attack with a view

of taking lives; but he had admitted that no less than 40 shots were fired by men who, if unaccustomed to the use of arms, were regardless of the consequences. The men who made that attack were prepared to do any deed of violence in order to rescue the prisoners from the van. They did not care what blood was shed in the attempt to release those prisoners, and the hon. Member for South Durham had extenuated the crime, and spoken of it as a light offence. He (Mr. Hardy) hoped that in this country we should always be able to trust to the peaceable conduct of the people without having to resort to military force or violent means, and that we should not require to have our prison vans guarded by soldiers or great masses of policemen. But what were the circumstances of the case? It must not be forgotten that the men in whose behalf this murderous offence was committed had not been convicted, but were prisoners who could look forward to a fair trial. It was not a case occurring under a despotic Government, where a man had no such chance of a fair trial. The prisoners in this case were under remand, having the opportunity of a fair trial before them; and yet, under these circumstances, the House was asked to treat it as a light offence, attempting and taking the lives of public officers to rescue prisoners who might have been perfectly innocent for aught anyone knew, for they might have been acquitted on the merits; and yet they were told that what these criminals were now undergoing sentence for was not a crime to be visited by the severest punishment. The hon. Member opposite had said the question before the House was, whether the country would be safe if those men were let out of prison? Why, if we were to empty our gaols to-morrow, the country would be safe; but he (Mr. Hardy) had yet to learn that that was the principle on which crimes were to be punished in this country, and the security of its peaceable inhabitants was to be ensured. It was necessary to show that such crimes could not be committed, and that our laws were not to be violated with impunity. The hon. Member opposite had called this a technical crime of murder; but was that borne out by the circumstances of the case? It so happened that this offence was committed when he (Mr. Hardy) was at the

Home Office, and he could remember something of what was taking place at that time. Perhaps, when the secret history of the period in which the crimes immediately connected with the question under consideration came to be written, it would be known that the conspiracy had ramifications extending far beyond anything that had been brought to light in course of the investigations that had led to the convictions of the men now in prison, and, further, that crimes of the most serious character would have been committed but for the prompt action of the Executive. Hon. Members spoke lightly of what was occurring in these times; but it must be remembered that it was only a part of the outcome of a deliberate conspiracy which was not confined to Manchester, but extended to other parts of the country, and he maintained that the circumstances were such as fully to justify the Executive in treating the crime as they did. It was not a question of vengeance, but a question of treating the prisoners so as to prevent the recurrence of such crimes hereafter. It was a question also of confidence in the Executive; and he hoped the time would not come at which the House would fail to rely upon the Executive, either to exercise the Prerogative of mercy, or to carry out the law to its full extent. Formerly men whose death sentences had been commuted for penal servitude were set at liberty after a fixed period of 12 years; but it was thought that cases differed so much in their character and in their effect upon the population that it was better to leave it to the Executive to determine at what time the convict should be released. This was one of the most remarkable Motions ever submitted to the House; it was not an Address to the Crown praying for the exercise of mercy, but it was to be an expression of opinion by the House, without any knowledge of the circumstances of the case, and of what might have been occurring at the time in any part of the country, which was known to the Government and was not known to the House. Upon a mere outside view of these transactions the House was to express an opinion that the time had come when Her Majesty's most gracious pardon ought to be extended to those prisoners. This was an unconstitutional Motion. [*Cheers and* "No, no!"] It was an expression of

opinion, and not an appeal to Her Majesty's Prerogative.

MR. CALLAN rose to Order, and asked, whether a Motion which the Speaker, in the exercise of his discretion, had allowed to appear on the Notice Paper, could properly be described as unconstitutional?

MR. GATHORNE HARDY hoped he should not, by that expression of opinion, raise a question of Order. He was not aware that it was the province of the Speaker to decide upon Notices of Motion, whether they were Constitutional or not. The Speaker was to say not what was Constitutional, but only what was proper in that House. In describing the Motion as unconstitutional, he (Mr. Hardy) did not mean that it was improper in the sense of being rebellious; but that it indicated a wrong mode of taking up the question, for if it was to be taken up at all, it ought to be in the form of an Address to the Crown. If the Motion had merely invited Her Majesty to exercise Her Prerogative of mercy, he would not take exception to the form of it; but it was an expression of opinion as to the duty of Her Majesty; and it was therefore contrary to the principles upon which they acted in that House. Much had been said that was not calculated to induce the House to pass the Motion, dealing with its substance rather than its form. The hon. Gentleman the Mover had, as on former occasions, endeavoured to vindicate what had occurred. The hon. and gallant Gentleman the Seconder claimed the pity of the House, and that was perfectly legitimate; but it was not a judicious course to hold up the objects of that pity to approval rather than condemnation. It was stated that they were precluded from discussing the character of the crimes, because the Government had not produced Reports of the trials. There were no authentic notes of such trials as that at Manchester except the notes of the Judge, which were sometimes submitted to the Secretary of State, if he desired to have them: there were no official notes which could be laid before the House; but the records of a court martial could be obtained for three years, on a small payment by the accused, or by anyone on his behalf. After the lapse of 10 years, he had been asked to print those of the court martials, and he had declined. It

Mr. Gathorne Hardy

was only under the most exceptional circumstances, that the proceedings of a court martial were laid before the House. But, suppose such records could be produced, were they to retry the case upon them without seeing the witnesses? That would be a most unusual proceeding, only to be resorted to when there was some suggestion of corruption or impropriety in the trial. We must leave the tribunals to try these cases and judge for themselves; and that being so, they could look only at the verdicts and sentences. In the Manchester case the sentence was death; in the court martial, the sentence was death in one case, and penal servitude in the other two. In the latter cases it was admitted that the offence was of a serious military character. There could not be a more grave offence in a soldier than not disclosing a mutiny of which he had knowledge, which meant practically being parties to mutiny in the Army, which was bound, not only by the ordinary ties of citizenship, but by special oaths of allegiance. Non-commissioned officers were placed in a position of extreme responsibility; they had charge of the privates of a regiment, and if they conspired with them to mutiny, where would this country be? It had been suggested that soldiers should have been sent to protect the prison van; but if sergeants and privates were to be in a conspiracy to mutiny, what security should we have from such protectors? The offence was of the gravest character; but it was not under all circumstances to be punished to the extreme limit; but the course taken by the hon. Member for Mayo (Mr. O'Connor Power) was not the way to lead to mercy being extended. Gratitude had been talked of; but the gratitude of the released Fenians did not lead him to conclude that gratitude inevitably followed from pardon. In the United States the released Fenians had not scrupled to suggest what they called "akirmishing" against this country, and even the revengeful murder, not of those who had wronged them, but of anyone selected in order to affect the mind of the country, with the object of showing that it was not safe to punish "gentlemen" who called themselves "political prisoners." The hon. Member for Mayo had argued the ques-

tion in a manner which did not indicate that he would be likely to show gratitude for mercy; he made a demand as of right, and he put forward Mr. Smith O'Brien as one sacrificed in a noble cause, and had referred to the statue raised to him in terms of eulogy and admiration. Far be it from him to express an opinion upon the conduct of Mr. Smith O'Brien. In the early life of that gentleman, he (Mr. Hardy) had the pleasure of meeting him on more than one occasion, and the first time he met him that gentleman sat on the Conservative side of the House; and he remembered that when he sat next him at dinner on one occasion, he thought he held some extraordinary opinions, which might ultimately lead him into difficulties. The host said that he had often told him that he would be tried for high treason and executed, and he added that it was on account of the extreme vanity of the man and the extreme wildness of his opinions. It was a curious circumstance that the host who was a very eminent lawyer, a man who had risen to great distinction in his Profession, and who had been very intimate with Mr. Smith O'Brien, had thus foreseen his career. He had no desire to say a word against Mr. Smith O'Brien, but he would say that when a statue had been raised in Ireland to him, and he was held up as an example to be followed, it could not be expected that the pardon of these men would be looked upon as an act of mercy on the part of this country, but it would rather be regarded as a right which was demanded for men who had done no wrong. If Mr. Smith O'Brien, who was a traitor, was held up to admiration, it was absurd to say that the pardon of these men would be regarded as an act of mercy on the part of this country; it would be looked upon as an act of contrition and remorse. He was far from saying he would not be a party to the remission of sentences upon men who had been convicted of crimes like these when the proper time had arrived; but if the remission were to be put forward as an act of repentance and remorse for what had been done in the course of justice, to the last moment of his life, in whatever position he were, whether seated on the Government or the Opposition Bench, he would resist a remission upon such grounds.

MR. O'CONNOR POWER said, he had not asked for any remission of punishment on any such grounds.

MR. GATHORNE HARDY said, he was glad to hear it. The hon. Member had spoken of the example of other nations; but if these crimes had been committed in any other country, the hon. Member would never have had to ask for the pardon of the offenders, because they would have been shot in the first instance. Look what was done to the military prisoners of other countries. There were no open trials, no parade, no records kept; but the men guilty of these crimes would never have the opportunity of being pardoned, because they would have been immediately shot, as having been guilty of one of the worst crimes against the military laws of their country. He would venture to ask the House to look upon this question in the only safe way in which it could be regarded. The Government had a fair right to put common confidence in the Executive. In this country there was no desire for cruel punishments, or that they should be extended beyond the necessity of the case. He would admit that this question came very near the hearts of a great many of the Irish people; but they were not the Irish nation, and the Irish nation was not the whole people of the Empire. This was an Empire and not an aggregate of separate Kingdoms, and the Government had to consider the interests of the whole of this great Empire. It was also a free Empire. Every man who was wronged had an opportunity of bringing his wrong to light, and there was no man who suffered an injury who had not an opportunity of obtaining redress in a constitutional manner. Therefore, the man who took up arms had to vindicate himself from a charge of the deepest dye. Where there was no necessity—not even an excuse—for shedding blood, the man who raised his arm to shed blood committed a crime; and for that crime the country had a right to demand, he would not say vengeance, but the utmost punishment the law allowed. Much more when men who had taken upon themselves the character of defenders of the country violated the oaths they had taken and conspired to destroy the country, no punishment could be inflicted upon them which they did not deserve; and it was only when the Executive, looking at all the circum-

stances of the case, saw that the time had arrived when, without injury to the country and the people at large, these men might be pardoned, that they could be released. Until that time arrived there ought to be no interference with the Government in its advice as to the exercise of the Prerogative of the Crown.

MR. BUTT wished to say, as one deeply interested in the welfare of the people of Ireland, that this was a question in which that people felt a very great interest. The question now before the House was one which could not be overlooked, and he deeply regretted the passion displayed by the right hon. Gentleman (Mr. Gathorne Hardy). It would be regarded as the exasperation of a refusal which, if made at all, ought to be made with judicial temper, and it breathed a spirit of vengeance rather than the cool and deliberate judgment of a Minister of State dealing with an event which occurred 10 years ago. What did the right hon. Gentleman mean by punishment being due to those who sought redress for real or imaginary wrongs? It was unnecessary to discuss on the present occasion the propriety of pardoning the Fenian leaders, because they were all pardoned and set free; and what the House had to determine, and what they were considering, was, whether they were to prolong the exasperation and ill-feeling, and undo the good effected by the release of the leaders for the sake of keeping the six miserable prisoners in gaol, for in any other country they would have been shot? He denied that this was an unconstitutional Motion affecting the Crown. The unconstitutional language of which the right hon. Gentleman complained did not come from the Opposition side of the House, but from the right hon. Gentleman himself, when he said that the House had no right to advise the Queen on any matter affecting the peace of the country and the dignity of the Crown. He maintained that the House had a right to record its opinion in a Resolution. He had before him the report of the trial of the prisoners charged with the murder of Sergeant Brett at Manchester, but he would first advert to the case of Davitt, who was tried under the Treason Felony Act for conspiring to depose the Queen. No act of violence was charged against him, but he was convicted of having supplied arms to

Fenian prisoners with the knowledge that they would be used in the Fenian rebellion. On what grounds was this man detained when the Government had released all the rest? The Prime Minister, when in that House, said that he and a prisoner named Wilson were tried together—that Wilson was sentenced to seven years' penal servitude and Davitt to a longer term; and that as Wilson had served out his term, it would be reversing the sentence of the Judge to liberate Davitt at the same time. That time had, however, now passed, and after releasing O'Donovan Rossa and the other men who had planned the conspiracy, what reason could there be for detaining one who had only played a subordinate part in it? The remaining prisoners were the two men charged with complicity in the attack upon the prison van, in which Sergeant Brett was killed. One of those men, Shore, was convicted at Manchester, but how? Five men were altogether put on their trial and convicted. Three of them were executed, but the fourth, Maguire, a Royal Marine, after being convicted by the jury, with the full approval of the Judge, was proved two days afterwards to have been not near the place at all. The verdict was utterly false, and the man got a free pardon. The remaining prisoner had also been pardoned, on the ground that the witnesses had been mistaken in deposing that he had had a pistol in his hand. It was the first time life had been taken when the verdict as to the others had been shown to be so erroneous. This was a case of technical murder—a case of constructive murder. No man would pretend to say that Condon had a hand in firing the shot. With reference to the prisoner Condon, he submitted that the evidence against him amounted to this and this only—that he was guilty of participating in a riot. When the question was before the House four years ago the right hon. Gentleman the Member for Greenwich said that when Ireland became tranquil, he would regard it as his duty to take the case of the prisoners, whose cause he pleaded that night, into consideration. He ought to add that the right hon. Gentleman guarded himself against misconception by saying that those prisoners who had been guilty of violence should be regarded as political prisoners. The question was, whether these men

were political prisoners. He did not care to answer that question; but he would ask, if 40 or 50 people had been arrested and charged with the murder of Sergeant Brett, would the English people allow them, according to a technical rule of law, to be executed? They were not murderers, except by a technical rule of law. When it was said that they were murderers, he would be glad to know what was meant. He contended that it was not assassination, but constructive murder, into which any man might be drawn, just as in the case of rescue of a poacher from arrest. Was it, then, unreasonable that they should ask now, in the common interest of humanity, that this young man, only 18 or 19 years of age, who was convicted in such a manner, and who had been in prison for 10 or 11 years, should be liberated. Had he not, by the eclipse of his young life for 11 years, sufficiently vindicated the crime of which he was so found guilty? Was there any English Gentleman who wished to prolong that term, because he had been guilty of indiscretion in joining that crowd? If he were not released now, after 11 years' imprisonment, when would he be released? Having gone through that case, he came next to that of the military prisoners; but surely their case was not devoid of consideration, which ought to weigh with the House. Were there in the great American War no prisoners taken by the Federals from the Confederate Army, and from the Federals by the Confederate? And how leniently, he asked them to remember, were those prisoners treated. Let them also look at those who took part in the Canadian insurrection. The Government put a price upon the head of Papineau and recalled him to be Prime Minister. The right hon. Gentleman had spoken mysteriously of what was passing in his country, and of secret reasons which justified the further detention of these men. If there were any, if anything was passing in Ireland, the House had a right to know it, and what they were. They ought to know the facts, and he protested against insinuations of secret reasons—that was not the principle which should guide their actions. There remained but three military prisoners, and he thought the time had at length come when their case should be with equal propriety leniently dealt with.

Those men, it was true, had taken the oath of allegiance, but there was not a single charge against them. They had not violated by a single act any engagement which they had previously entered into. He considered and believed that the detention of these men in prison was doing more mischief in Ireland than any other cause. If indiscreet speeches were made in Ireland where was the justification for them? If they released these men there would be no justification. The detention of them in prison created sympathy for them, and that again created sympathy for the crime. If they liberated these men they would do that which would affect the hearts and feelings of the people of Ireland. Speaking from his own knowledge, he could state that there was no subject on which the great mass of the Irish people felt more strongly than in regard to the release of those men; and he said that the continued incarceration of those six men had really marred the effect of the wise and statesmanlike act of liberating the other prisoners. The leaders had all been pardoned, while those six men, and those six only, were kept in custody; and he had never heard violent language used at public meetings in Ireland—and he always heard it with regret—without observing that those who uttered it invariably fastened on the detention of those men as the justification for their denunciations. Again, what discussions had they not had in that House about the treatment of their convict prisoners in consequence of the retention of those five or six men in prison? He did not think it was worthy of the Ministers of the Crown, he did not think it was worthy of a great Sovereign—and he said this with all loyalty to his Queen—that those men should be kept longer in confinement, thus causing exasperation to rankle in the hearts of a people disposed to be loyal if only fair play and justice were shown to them. [*Laughter.*] The hon. Gentleman who laughed, if he got up and answered him (Mr. Butt) would probably show that he was entirely ignorant of everything about Ireland. He had himself always argued that question as if he were an Englishman, and if he were charged as an Englishman with any responsibility, he should feel it to be the best for England as well as for Ireland, that the imprisonment of those men should terminate, and

Mr. Butt

that the gracious act previously done by the release of the other prisoners should now be made complete.

THE ATTORNEY GENERAL agreed with the hon. and learned Gentleman who had just spoken (Mr. Butt), that every hon. Member of that House had a right to express an opinion on that matter, and because he did so, must protest against the slaughter of Sergeant Brett being described as a technical murder.

MR. BUTT denied having called it a technical murder. What he had said was, that those who had nothing to do with the murder, but who had only belonged to the party, were only technically and constructively guilty of it.

THE ATTORNEY GENERAL protested against the assertion that anybody who had to do with the murder of Sergeant Brett was only technically implicated in it. What were the circumstances which occurred on the 18th of September, 1867, at Manchester? When that outrage was committed a man named Kelly and another man named Deasy, who were suspected of taking some part in the Fenian conspiracy, were charged before a magistrate, and two officers were in Court, ready to depose to the accused having had some hand in that conspiracy, and had a warrant for their apprehension. After hearing a certain amount of evidence the magistrate deemed it his duty to remand those men to prison in order that further inquiry should be made. Thereupon, they were placed in the prison van. Hon. Members would know exactly the construction of such a van. The hon. Member for South Durham (Mr. Pease) had said there was negligence on the part of the police. What were the facts? There was some notion that there might be some attempt at a rescue. Whereas usually the van was under the conduct of a policeman who guided the horses, while another took charge of it behind, in that particular case there were seven policemen in front and four followed the van in a cab. When the van emerged from under a railway arch, about half-a-mile from Bellevue, a large number of persons were seen upon some vacant ground, slightly elevated above the road. They were armed with revolvers, and had evidently been waiting for the approach of the van, determined at all hazards to

rescue the prisoners. It was proved afterwards that messages had been sent in order that the might be prepared. They discharged their revolvers at the policeman, stopped and surrounded the van, and some of them got on the roof and attempted to break it in by means of hammers, while others handed up large stones to aid them. Others, again, tried to break open the door. It was the duty of Sergeant Brett to guard the door. He was a brave officer, and he did his duty. He positively refused to admit the assailants. When he was in the act of closing a ventilator—which was something in the shape of a small Venetian blind—for the purpose, probably, of preventing them from getting a hold there, one of the conspirators pointed a revolver at the aperture, and, deliberately discharging it, shot the officer. ["No, no!"] Sergeant Brett fell in the van, the door was then broken open, and the prisoners were released. Hon. Members might, if they liked, call that accidental shooting, but he (the Attorney General) called it deliberate homicide. ["No, no!"] They might call it a technical crime; he called it vulgar murder. They might call it political offence; he called it deliberate and atrocious assassination. ["No, no!"] It was a deliberate planned attack, carried out by the prisoners who were afterwards convicted, regardless whether they committed murder or not, but determined to do murder rather than fail in their object. Those who had taken part in the outrage, and among them the men to whom allusion had been made, were brought to trial before a Special Commission at Manchester. They were tried before two of the most eminent Judges in the land—Mr. Justice Blackburn and Mr. Justice Mellor—and after a most careful and able summing up by Mr. Justice Blackburn, the jury found these men guilty of murder. It was perfectly true that circumstances were afterwards brought to light which convinced the Home Secretary that one of the men found guilty had been improperly convicted. It surely did not follow, however, that the evidence was not reliable with respect to the others. He did not know that that was suggested by the hon. and learned Member for Limerick (Mr. Butt). What he understood the hon. and learned Member

to say was that these men were not really guilty of intentional murder, that their crime was rather of a technical character, and that having been so long in confinement they ought now to be released. Whether they ought to be released or not, it was not for him to say. He had only risen to protest as strongly as he could against such an outrage being called a "technical" crime.

MR. GLADSTONE: Mr. Speaker, I am sure, Sir, that all hon. Members of this House must be deeply impressed with the delicate nature of the duties which the Executive Government has to perform in a matter of this kind. It is, in truth, a matter greatly complicated by a variety of considerations, and even if I had found myself taking a view in some respects different from that which might be taken by Her Majesty's Government, I should still bow with great respect to their deliberate judgment. On the other hand, I think that on occasions of this kind, both policy and principle eminently dictate the observance by Members of the Government of the strictest measure in the language they employ, and of a judicial calm in the temper they display. I cannot say that I find that strict measure of language in the description which has just been given by the hon. and learned Gentleman the Attorney General. He protests against the homicide of Sergeant Brett being termed a technical murder, and I entirely agree with him in so doing. But it appears to me that it was in reference to murder, that I think it was called by the hon. and learned Member for Limerick (Mr. Butt) a "constructive murder;" but that independently of that it was a most gross outrage against the law, and an act most dangerous to the peace of society. I have no disposition, therefore, to extenuate the act which appeared to me to require, and has received, very severe punishment. But is it not going a little beyond the limits of absolute accuracy to say that it was a "deliberate and atrocious assassination?" It was not the object of those who engaged in the undertaking. ["No, no!"] I am not aware that I am stating anything that is disputable in that proposition. Yet the risk of committing that most guilty act was a risk that they were ready and willing to run, and did run. But surely

more than this is required in order to justify the description by a Member of the Government of this act as a deliberate and atrocious assassination. I greatly lamented the unnecessary warmth introduced into this debate by the right hon. Gentleman the Secretary of State for War. He censured most severely the speeches made by the hon. Gentleman the Mover of the Motion (Mr. O'Connor Power), and particularly by the hon. Member for South Durham (Mr. Pease). It did not appear to me that it was, upon the whole, possible for these Gentlemen to have supported the Motion in a manner more free from exception than they did. I concur with the right hon. Gentleman in thinking that a sounder discretion would have been exercised if, in lieu of moving this Resolution, an Address to the Crown had been proposed. If it be competent to me to do so, I would even now submit to the Mover of the Resolution, whether he will not ask the permission of the House to alter the form of his proceedings. Whenever we touch a question of Prerogative, we should recognize that it is better not to pronounce a separate and independent judgment by Resolution, but should content ourselves humbly to express our views and wishes, and lay them at the foot of the Throne. Recognizing the duty of the Executive Government to decide the matter, I am not prepared to take part in the Division in this case by supporting the Motion of the hon. Gentleman on another ground. I cannot blame those who have thought it necessary to take the sense of the House upon the question; but it appears to me so desirable that, in a matter of this kind, the Prerogative of mercy should be left in the hands of the Crown, to be exercised according to the advice the Crown may receive from those whose duty it is to give it, that only in the extremest case should I wish to support a Motion which strictly interposes the judgment of the House for the purpose of swaying the judgment of the Crown. I am not, therefore, Sir, disposed to take part in the division. Nevertheless, I confess I think the time has come when, with full respect to the judgment of the Advisers of the Crown, and with that due reserve with which I quite agree that every hon. Member of this House should speak, when something may be said of that

general view of the case and circumstances which it is competent to us as Representatives of the people to take. In referring to this reserve, I mean to acknowledge that which was stated by the right hon. Gentleman the Secretary of State for War. He reminded us that the Government are habitually in possession of information which we do not possess, and bound to take into its consideration elements which we cannot. I therefore entirely submit myself to the decision the Government may adopt in view of any such information they may have at the present time. But I think that the feelings entertained in this House, as indicative of the probable sentiments of the country, are among the elements which the Constitutional Advisers of the Crown ought to take into consideration in the advice which they tender to the Crown on this question. After the time which has elapsed, and the share I, myself, had in laying down originally a broad and impartial distinction adversely to these men, it is not perhaps unfairly to be claimed of me that I should state the general aspect which the circumstances appear to me to bear. I contended when in an official position, and still contend, that the offence of the principal part of these prisoners does not fall purely within the category of political offences. And I observe that there has been a disposition on the part of those who support this Motion to sustain it on more general grounds of compassion and humanity, of policy and wisdom. The question which we have to determine is, what constitutes a political offence. It is quite clear that an act does not become a political offence because there was a political motive in the mind of the offender. The man who shot Mr. Perceval and the man who intended to shoot Sir Robert Peel did not become political offenders merely on this ground. By a political offence, I, at least, understand an offence committed under circumstances approaching to the character of civil war. Wherever there is a great popular movement, the offences committed in giving effect to the intentions of the people partake of the character of civil war. Reference has been made to the action of the President of the French Republic in pardoning offences committed by Communists; but it must not be forgotten that those offences—though darker than

Mr. Gladstone

the crimes for which the Irish prisoners are under punishment—were committed in the progress of a civil war. But the riot committed at Manchester by a crowd locally gathered together was a proceeding totally of a different character, and must be considered as in the main belonging to the category of ordinary crime, though it is not on the ground that the offence is a political offence, that I think the prisoners in question can be recommended for consideration. But if these offences be not political offences in a strict sense, yet they were undertaken from a political motive, and in so far partake of that character as to affect, in a material degree, the moral guilt of the persons concerned. I do not say that the moral guilt of the parties concerned ought to be the sole, or even the main, consideration that ought to influence the mind of a Minister in administering justice; but still it is generally felt that it is desirable to keep public sympathy on the side of the law. Therefore, as the object of punishment is, after all, to deter others from the commission of similar offences, the question is, whether, in the present case, sufficient has not been done to satisfy the ends of public justice, and to act as a deterring influence. My memory differs somewhat from that of the hon. and learned Member (the Attorney General) as to the circumstances under which that gallant officer who stood to his post to the last was killed. He stated that the pistol was fired through the aperture in the door while Sergeant Brett was engaged in an effort to close it. My recollection and that of others is different. We were under the impression that the special object in view was the destruction of the lock. There is certainly some degree of difference between the two statements. However, I take the facts, upon the whole, as they have been stated by the hon. and learned Gentleman, and I hope I have not seemed to desire to excuse the character of that act. It was a most gross outrage against the law; it was a most grave and serious danger to the general peace of society. But three men have expiated with their lives this single murder—not a common occurrence in this country. The cases are very rare indeed when the taking of a single life is avenged by the law by the taking of three lives. I am not, however, censuring that proceeding. Be-

sides this we have before us the cases of six men. I put aside the case of the man Davitt, as to whom some hopes have been held out of separate consideration, and I cannot see what answer can be made to the argument of the hon. and learned Member for Limerick, who contends that his case belongs to a class strictly political. Neither will I enter into the specialities of the case of the soldiers, because it is very difficult for us without the assistance of the military authorities to form a minute estimate of their guilt; but the view we take of the Manchester case would really govern the case of the soldiers. If we think the punishment inflicted in the Manchester case sufficient, hardly any one would think it necessary to prolong the punishment of the soldiers, who have already suffered longer periods of imprisonment—one 11, and the other 10 years. Now, Sir, for those men sentenced to imprisonment for life, we cannot plead on the ground of the general rules of the Home Office, because I understand that, taking into view the date at which these sentences were pronounced, it would not be for a very long time that the Secretary of State, acting on the ordinary rule of 20 years, would enter into a review of their cases with a view to the exercise of mercy. The question, however, is, are these cases in which that general rule should apply? When we speak of keeping public sympathy on the side of the law we come to the important question of the degree of moral guilt; for public sympathy will be governed by the view of whether the act be base and wicked in itself, as well as perilous to the peace of society. Now, it is impossible not to feel that although this was a wicked act, it was not an act of that baseness, of that deep and aggravated guilt, which commonly attaches to cases of murder perpetrated from personal motives. If that is so, the question arises whether this penal servitude for 10 years, extracting as it does so large a fraction from the ordinary term of life, is not, upon the whole, a punishment quite sufficient for the act which was committed; sufficient to deter in the general view of the peace of society, and in that special view which cannot possibly be overlooked—namely, the protection of that valuable class of men who are the ministers of the law in the protection of life and property—I

mean the police. But we must ask ourselves, whether enough has not been done to deter, and enough to satisfy the public conscience; for if we have filled up the measure of what the public conscience thinks justly due to an act of this character, we run the risk by prolonging the imprisonment of these parties of producing a re-action which may be fatal to the effective administration of justice? With all the reserves I have mentioned, and with all due deference to the Executive of the country, I cannot refrain from expressing a hope that either the time may now have arrived, or that the time will be very speedily considered to have arrived, when the cases of these men may be examined with a view to the exercise of the Prerogative of mercy. With this conviction in my mind, I do not think it unnatural or un-Parliamentary for the hon. and learned Member for Limerick to appeal to the convictions of the people of Ireland on this subject; for I can conceive that the recollection of an act of mercy may have the effect of determining many a wavering judgment, and may have a strong influence in conciliating the affections of a people whose condition has often been a matter to deplore, the soundness of whose political proceedings we may not be always able to affirm, but the truth and warmth of whose affections no one has ever been found to deny.

MR. ASSHETON CROSS said, he quite agreed with the right hon. Gentleman who had just sat down (Mr. Gladstone) that this was not a matter which the House should rashly take into its own hands. It was a question of Prerogative upon which the Queen must be advised by her Advisers who were responsible to that House and the country for the advice they gave. That question of Prerogative was one of the greatest possible nicety; and it ought not to be raised, unless there was some gross case of abuse upon which that House should pass judgment, if it thought right, either by an Address to the Crown, or by an impeachment of the Minister who was responsible for having given the wrong advice. But in all matters of this sort, the nicest distinction was to be drawn between one case and another; and what seemed to him to be a mistake in the whole debate so far as it had gone was this—that a clear

enough distinction had not been made between case and case. He would not quarrel with the right hon. Gentleman as to his definition of political prisoners; he would rather not enter into that matter; but if there was one question which more than another gave trouble to Government, it was the question which was brought before the late Government as to what were political prisoners. When the question came to be discussed before the late Government, they evidently did draw a distinct line between one set of prisoners and another, and all who in their opinion were political prisoners were released, but all those who were guilty of what we might call ordinary crime were held in prison. That he was bound to remind the right hon. Gentleman who had just sat down was the deliberate conviction of the Government; and in his (Mr. Cross's) opinion, they were right. But in his opinion also, the Government could not take up this question as a new question; they were bound, unless some great error had been committed by their Predecessors, to follow the course they had taken. Therefore he, at the present moment, represented the Advisers of the Crown, not in his capacity of Secretary of State, but as a Representative of the late Government. ["No, no!"] He was merely carrying out the advice which was given to Her Majesty by their Predecessors. He wanted to call the attention of the House to one point of the utmost importance on which a great mistake had been made. In the first place, no distinction had been made between one prisoner and another. The words which fell from the hon. and learned Member for Limerick were these—He said he wanted the release of these six men for the satisfaction of the Irish people, making no difference between them whether the offence of one was more heinous than that of another. Now, the person holding the position he had the honour to hold was bound to consider that these six men were convicted of totally different offences, and he was also bound to consider the evidence in each particular case. But the whole argument of every one who had spoken had been for the release of the six men as a whole. He said that the case of each stood on a totally different principle. Another sca-

tence fell from the hon. and learned Member for Limerick to which he must object. He stated that those who were sentenced to penal servitude for life were doomed to imprisonment for a lifetime. But nothing could be more unlike what was actually the case. The hon. and learned Member should know that was not so with any one of the prisoners; that was not the course which any Government would take in the matter. He must know that after a certain time, unless there were some very special circumstances in the case, every case would be fairly and fully considered, and each prisoner would be released. The right hon. Gentleman who had last addressed the House said that period was 20 years; he must beg to correct him in that matter; the period was 15 years, which made a very considerable difference. After a period of 15 years' imprisonment, the case of those who were sentenced to penal servitude for life would be fairly and fully considered, when a recommendation might be made to the Crown for the extension of the Royal clemency, so that not many years would elapse before the case of even the worst of them would be considered. The hon. and learned Member for Limerick had made another mistake in saying that the sentence was unjust, and that the imprisonment was a most unjust imprisonment. He emphatically denied that the sentence was unjust, or that the imprisonment was unjust, and he believed the words had fallen from the hon. and learned Member without serious thought. Now, having made these three observations, he wanted to say there had been throughout the whole treatment of these prisoners a great difference made. In the case of the political prisoners, they had been all released with two exceptions—Wilson and Davitt. The term of Wilson's imprisonment was shortened in 1875. An appeal was made to him to release Davitt at the same time. He thought that a fair application; but the result was, he was obliged to make inquiry into the circumstances of the case, and he was bound to say why he had not been released as the other was. The only record he could go to was the Report of the sentence pronounced by the Lord Chief Justice who tried the case. He was sorry to go into it, but he would read two sentences from what the Lord Chief Justice said. It was as follows:—

"There was one thing which he could not but regard with the utmost condemnation and horror; and that was, that assassination was not considered too desperate to be carried out, if it was found convenient to have recourse to it. That letter of his, of which the witness Forrester told the story, showed that there was some dark felonious design against the life of some one."

In consequence of that letter having been found, one prisoner was treated as a tool in the hands of the other, and sentenced to penal servitude for seven years. That being so, the Government would not have been justified in letting out both men at the same time. He stated the other day it was necessary that a considerable difference should be made, and what it should be was under the consideration of the Government; and he did not see the slightest reason to depart from the statement he then made. The right hon. Gentleman, while thinking the question must be left in the hands of the Executive, pressed them to say that the time had come when the prisoners ought to be released. But what was the action of his own Government? The sentence of the man Wilson expired at Christmas, 1875, which was not very long after the right hon. Gentleman left office. The men they were speaking of were guilty of murder, and were sentenced to penal servitude for life. There was not much difference between 1875 and 1877. Although, in the opinion of the right hon. Gentleman's Government, it was not right before he left office in the beginning of 1874, to release a man whose sentence would expire in 1875, the present Government were bound to let out in 1877 the men who were sentenced to penal servitude for life. The right hon. Gentleman had been led into making observations on one case without duly considering all; had he been considering them as a responsible Adviser of the Crown, having regard to the action of his own Government, he could not have made a statement which, looking at his position in the matter, grave as it was, was the most reckless statement he had ever heard the right hon. Gentleman make; it was one which, had he been in office, and had to bear his share of the responsibility, he would not have made. He would not argue the question of constructive or real murder any further. The great object of punishment was the prevention of crime; and the Government looked upon the murder of Ser-

geant Brett as a great crime, inasmuch as an innocent man, doing his duty bravely, calmly, and nobly, was attacked by a number of persons, one of whom shot him. The jury found they were all guilty of a common intent—to use violence and commit murder for the purpose of obtaining their object. One of them did so, and the Judge properly ruled they were all guilty of murder. This was a principle which he agreed with, and which must be maintained in all cases, and under all circumstances. So far as they were concerned, and the public were concerned, they were all guilty of murder. Their case would be considered at the proper time, and the case of Davitt was now under consideration; but the question must be left to the discretion of the Advisers of the Crown. The advice he gave to the Crown he would continue to give to this House, so long as he had a seat in it, whether on that or on the opposite Benches.

THE MARQUESS OF HARTINGTON said, he had had no intentions of taking any part in the discussion, and as it was he should only occupy the attention of the House for a few moments. He felt, however, after the course the debate had taken, that he was obliged to say a few words on the subject, as he wished to state the reasons which induced him to give the vote he was about to record. He entirely concurred in the remarks of the hon. and learned Member for Limerick (Mr. Butt), as to the undoubted right of any hon. Member to invite the judgment of the House upon a question involving the advice to be given by Her Majesty's Advisers to Her Majesty in a matter of this character. Indeed, he did not say that the hon. and learned Member for Limerick and his Friends were not exercising a wise discretion in doing so. At the same time, he concurred with his right hon. Friend the Member for Greenwich in deeply regretting that a question of this kind should have been discussed with any warmth on either side. One of the inconveniences almost inseparable from the discussion of such a question was, that the arguments adduced on one side of the House must almost naturally be supported with considerable warmth, but it was a matter of regret that they should be met with corresponding warmth on the other. He was not going

to argue the case, because he felt that that had been sufficiently done already. He only desired to state briefly the grounds on which he should give his vote. He rather gathered from the speech of his right hon. Friend (Mr. Gladstone) that he did not intend to vote on this question at all. Still, he did not doubt that the tendency of his right hon. Friend's speech was to advise Her Majesty's Government to consider favourably the appeal which had been made to them by the hon. Member for Mayo (Mr. O'Connor Power). His right hon. Friend was of opinion that the time had arrived when Her Majesty's gracious pardon might be advantageously extended to these prisoners. That was to say, his right hon. Friend thought that the necessary term of the punishment of these prisoners had been completed. Now, he confessed, for his own part, he had not been able to arrive at a similar conclusion. In his judgment these prisoners must be treated either as ordinary criminals, or as political offenders. If they were treated as ordinary criminals, these cases would, in the usual circumstances, and at the usual time, come before Her Majesty's Advisers for examination. If, whenever their case did come before them, Her Majesty's Advisers should then find that there was in any individual case sufficient grounds for recommending to Her Majesty the exercise of the clemency of the Crown, such a decision would, no doubt, be received with perfect satisfaction on that (the Opposition) side of the House. If the case was to be treated as the case of ordinary criminals, he did not see that there was any occasion for the House to interpose in the matter. In due course it would in that view be treated in the ordinary way on its merits. On the other hand, supposing these prisoners were to be treated as political offenders—whatever sense might be attached to that term—then, again, what he said was, that if on general grounds Her Majesty's Advisers, acting upon their own responsibility, should come to the conclusion that the political advantages which would accompany a general amnesty of these political offenders would be such as to outweigh any disadvantages that might arise from their release, he believed that such decision would also be received with the greatest possible satisfaction on his side of the

House. But he felt bound to say, at the same time, that up to the time when he and his Colleagues left Office, they had not arrived at such a conclusion. Moreover, if he looked at what had occurred since they went out of Office, he was unable to see that any such change had occurred in the political circumstances of Ireland as would warrant him in advocating such a decision. He would admit that this was a most difficult and delicate question to deal with. It was a question on which one had to steel one's feelings and repress one's natural impulses. It was impossible to deny that the moral guilt of the men who were engaged in the Manchester outrage was not to be compared in heinousness to the moral guilt of some other murderers who had to be dealt with; but, on the other hand, it was equally impossible for the House to conceal from itself that the social mischief and misery and harm done by crimes like those of which the men had been convicted, greatly outweighed the mischief done by commoner and more serious offenders; and he therefore thought that a great deal of the responsibility must be left to Her Majesty's Government, and that a much stronger case ought to be made out before the House of Commons would be justified in interfering with that responsibility. He would not further argue a question that had been so fully discussed, but he saw no sufficient reason for altering the course which, after deep and painful consideration, the late Government felt it their duty to take in this matter; and though he would be glad if any such sufficient reason had been shown, if the present Government were unable to arrive at a different conclusion, he did not feel entitled either by abstaining from voting or by voting in opposition to the Government, to reverse the decision they had arrived at.

MR. CALLAN said, that the hon. and learned Attorney General was quite incorrect in stating that the only persons now in custody were the actual murderers of Sergeant Brett.

MR. O'CONNOR POWER, in reply, wished to alter the terms of his Motion, and to move an Address to Her Majesty representing that the time had come for the exercise of her Prerogative. ["No, no!"]

MR. SPEAKER pointed out that it was not competent for the hon. Member

to do so, unless he withdrew his original Motion.

MR. W. E. FORSTER said, that he intended to vote against the Motion, on the ground that the question was one that ought to be left to the discretion of the Government. He did not, however, wish his vote to be interpreted as the expression of any opinion that the time had not come for the mercy of the Crown to be extended to these prisoners; but he thought it a case in which the House of Commons was not called upon to interfere. He thought they might leave it to the discretion of Her Majesty's Government, believing that they would extend mercy to them if possible, and that they would consider all the circumstances involved in the case.

Question put.

The House *divided*:—Ayes 235; Noes 77: Majority 158.—(Div. List, No. 241.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

INTERMEDIATE EDUCATION (IRELAND).—OBSERVATIONS.

MR. O'SHAUGHNESSY called attention very briefly to the subject of Intermediate Education in Ireland, and urged upon the Government the necessity of dealing with it without delay.

SIR MICHAEL HICKS - BEACH admitted the urgency of the question, and added that it had occupied the attention of the Government. He could not at that late hour enter into details, or state what the views of the Government were upon it; but he hoped that a scheme to deal with the subject would be one of the first proposals which he should bring before Parliament in the next Session.

Original Motion, by leave, *withdrawn*.

Committee *deferred* till Monday next.

SUPREME COURT OF JUDICATURE (IRELAND) (*re-committed*) BILL.—[Bill 184.]
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.*)

COMMITTEE. [*Progress July 20th.*]

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Chairman do report Progress and ask leave to sit again." — (*Mr. Biggar.*)

THE CHANCELLOR OF THE EXCHEQUER said, there were only two or three lines of the Schedule to dispose of, and he thought that five minutes would be sufficient to pass the Bill through Committee. He hoped that the Motion would not be persisted in.

MR. BUTT and MR. M'CARTHY DOWNING spoke in favour of the Bill being disposed of that night.

MR. PARNELL protested against proceeding with the Bill that night. Nobody in Ireland wanted this Bill except the lawyers.

MR. O'DONNELL objected to the Bill being proceeded with at that time (one o'clock).

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) hoped the Motion for Adjournment would not be persisted in, and pointed out that the only Amendments remaining on the Paper were those of the hon. Member for Cavan himself, which could be discussed in five minutes.

MR. O'SULLIVAN said, the Irish Members had had enough law and justice that evening, and were determined to have no more. If the Motion for Adjournment were defeated, it would be followed by others.

MR. BULWER was glad of what had occurred, as it would enable the country to judge of the conduct of three or four hon. Members opposite, and would show them that their sole object in moving to report Progress, was to stop a discussion which would only occupy five minutes.

MR. BIGGAR expressed a hope that in future hon. Gentlemen would make their speeches before instead of after dinner. ["Order!"]

THE CHANCELLOR OF THE EXCHEQUER thought that such discussions, if continued, would not be conducive to the dignity of the House. He hoped the Motion would be withdrawn, and the Committee be permitted to conclude their duties that night.

MR. PARNELL, on the other hand, thought it would be to the advantage of the country that this Bill should not pass this Session.

After some further discussion,

SIR WILFRID LAWSON expressed his disapproval of the course which was being taken by some of the Irish Members, but he hoped, nevertheless, the Government would spare the House a

repetition of the unpleasant scenes of a recent occasion. Some hon. Members from Ireland seemed to forget that there were English Members, and to think that the whole business of the House was to be conducted with a view to their convenience.

MR. M'CARTHY DOWNING hoped the Committee would divide against the Motion. He protested against the system of obstruction of all Business which had been adopted by some hon. Members.

MR. MELDON said, the hon. Member for Cavan had already occupied more time in Committee upon this Bill than all the other Members put together. He appeared to be prompted by some legal person, for he had placed on the Paper a long string of Amendments, which it was quite evident he did not understand. He protested against the general body of Irish Members being supposed to be linked to the policy of obstruction.

THE CHANCELLOR OF THE EXCHEQUER said, the Government in resisting the Motion to report Progress, did so because they believed it was really for the advantage of the country that they should, if possible, endeavour to advance the Bill through this stage. The only Amendments were those of the hon. Member for Cavan, and they could very well be discussed at a later stage.

MR. BIGGAR said, he did not see why he should depart from the principle which he had determined to act upon—to oppose the transaction of Business after one o'clock in the morning.

MR. E. JENKINS said, it was evidently as useless to appeal to the generosity or sense of justice as it was to appeal to the common sense of hon. Members who were thus obstructing Business. He had received a letter from a person associated politically with those hon. Members stating that next Session they would see in that House more serious scenes than had ever yet been seen there. The hon. Member for Cavan said he had determined upon a course which would obstruct the Business of the House. It was time the Government should take some steps to crush this sort of thing; and he wished publicly to dissociate himself from all connection with hon. Gentlemen who resorted to such tactics.

MR. CALLAN said, he was as ready to repudiate the hon. Member for Dundee

(Mr. E. Jenkins) as that hon. Gentleman was to repudiate Irish Members.

Mr. PARNELL said, now the hon. Member for Dundee had had an opportunity of vindicating his respectability, by dissociating himself from the Irish party, he only hoped it would do him a great deal of good in the eyes of his constituents. Nothing he had said was worthy of further notice.

After some remarks from Major G'GORMAN and Mr. CALLAN,

Mr. RITCHIE said, he hoped the Government would not give way, but would sit till Sunday if necessary.

Question put.

The Committee *divided*:—Ayes 7; Noes 112: Majority 105.—(Div. List, No. 242.)

Ayes — Callan, P. Kirk, G. H.
O'Brien, Sir P. O'Donnell, F. O'Gorman, P.
O'Sullivan, W. Power, J. O'C.
TELLERS—Mr. Biggar and Mr. Parnell.

Mr. O'SULLIVAN moved that the Chairman do leave the Chair.

THE CHANCELLOR OF THE EXCHEQUER said, the division which had just taken place had sufficiently marked the sense of the House; and as it was useless to make any appeal to the hon. Members who constituted the minority, and he wished to avoid the repetition of a recent scene, he would consent that Progress should now be reported, and that the House should meet at 12 on Saturday to further proceed with this Bill, but with no other Business.

House resumed.

Committee report no Progress; to sit again *To-morrow*.

POLICE EXPENSES ACT CONTINUANCE BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to continue for one year "The Police Expenses Act, 1875," ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 259.]

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS.

Saturday, 21st July, 1877.

MINUTES.]—PUBLIC BILL—Committee—Report
—Supreme Court of Judicature (Ireland)
(re-comm.) [184-260].

The House met at Twelve of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

ORDERS OF THE DAY.

—:O:—

SUPREME COURT OF JUDICATURE
(IRELAND) (re-committed) BILL—[Bill 184.]

COMMITTEE. [Progress 20th July.]

Bill considered in Committee.

(In the Committee.)

THE CHAIRMAN called upon the hon. Member for Cavan (Mr. Biggar) to move the Amendment which stood in his name.

Mr. RICHARD SMYTH moved that Progress be reported.

THE CHAIRMAN intimated that he had already called upon the hon. Member for Cavan.

Mr. BIGGAR moved, as an Amendment, in page 60, to leave out Schedule 15.

Amendment proposed, in page 60, line 16, to leave out from the word "If," to the word "plaintiff," in line 19.—(Mr. Biggar.)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

Mr. RICHARD SMYTH again rose, and moved that Progress be reported. He was very unwilling to do anything to impede the Government in the prosecution of a legitimate object, but he thought the House had been taken by surprise, and if there was one thing which the House disliked more than another, it was being taken by surprise. He himself, with many other hon. Members, had left the House last night before the Adjournment, intending to spend to-day elsewhere than at West-

minster. They had believed that the House would be adjourned until Monday in the usual way, and were surprised to learn that morning that a Saturday Sitting had been determined on. He did not pretend to know what had occurred in the House after he had left; but so far as he could make out from the public newspapers, no sufficient reason had been assigned by the Government for a Saturday Sitting. He found that the present Government had been encroaching on Saturdays and days appropriated to private Members far more than their Predecessors had done. In 1869, at the very end of the Session, there were two Saturday Sitzings to get through pressing Business, and the House of Lords also sat; and it might be fairly assumed that when the House of Lords felt it incumbent on them to hold a Saturday Sitting, there was very pressing Business to be transacted. In 1870 there was only one Sitting on Saturday, and that occurred on the 6th of August, and in 1871 there were three, one on the 5th and the others on the 12th and 19th of August. Towards the end of 1872 there was one, and only one Saturday Sitting in the month of August. In 1873 there was only one in the same month; but in 1874 they found the Government asking the House to sit on a Saturday on the 25th July and again on the 1st August. In 1875 they asked the House to sit on Saturday in April or May to aid in carrying the Coercion Bill. There was a Saturday Sitting held on the 31st July and another on the 7th August. Last year there was a Saturday Sitting on the 29th July, another on August 5th, and another on August 12th, on which day the Lords also sat. Now, he did not think that the Bill which was now under consideration was of that pressing importance that it was incumbent on the House to meet at an extraordinary time for the purpose of passing it through. He did not know anyone in Ireland who wanted the Bill except the lawyers, and he did not believe that it was calculated to do any good to the country. He should like to call attention to a circumstance which occurred yesterday. They found the Government yesterday proposing to give up a whole Government day for the purpose of discussing a Motion brought forward by a private Member. He did not com-

plain of the Government doing that; but it did seem to him an extraordinary thing that the hon. and gallant Member for West Sussex (Sir Walter Bartleet) should have obtained a Government day for his Motion to rescind the Resolution passed against the Government on the subject of the appointment of Mr. Pigott to the Controldership of the Stationery Department, when the hon. Member for Hackney (Mr. J. Holmes) did not receive a day for his Motion on the same subject. He contended that the Motion of the hon. Member for Hackney was of equal importance to that of the hon. and gallant Member for West Sussex. Under these circumstances, if the Government had a whole day to place at the disposal of a private Member, he did not see why hon. Members should be brought down to that House on a Saturday morning at 12 o'clock to consider Amendments on the Paper to the Supreme Court of Judicature (Ireland) Bill. So far as he knew, the people of Ireland did not care about that Bill. No one wanted it, and that hon. Members should be brought down at such a season as this to discuss that which was merely a measure to ticket Irish Judges by new names was altogether an unprecedented circumstance.

Motion made, and Question proposed,
 "That the Chairman do report Progress, and ask leave to sit again."—
 (*Mr. Richard Smyth.*)

SIR WILLIAM HARCOURT thought his hon. Friend the Member for Londonderry (Mr. R. Smyth) had explained why he had made his Motion, when he said that he was not present in the House at the time of the Adjournment that morning. He (Sir William Harcourt) was sure that if the hon. Member had known the circumstances of the case, he was the last man who would have taken a course which was likely to bring discredit on the House in the opinion of the country. What happened that morning? He hoped he should describe it accurately, and give no offence to anyone, but there was a Bill which had arrived at its last stage, or which, at any rate, at what was believed to be very nearly its last stage. There were a few Amendments to be proposed, but they were not of a serious character,

Mr. Richard Smyth

and among them the hon. Member for Cavan (Mr. Biggar) had some Amendments which could have been disposed of in a brief period. It was understood at the Morning Sitting yesterday—he did not know whether this was a misapprehension, but it was his understanding—that there was no objection taken to the Bill being finished at the Evening Sitting, consequently, the Government proposed that the House should go on with it after the discussion on the Motion with reference to the release of the Fenian prisoners. When the Bill was called on, the hon. Member for Cavan declined to proceed with his Amendment. After some discussion of rather a warm character, on a division being taken, it appeared there were 112 Members desiring to go on with the Bill, and only 7, or 9 with the Tellers, desiring that the Bill should not be proceeded with. He confessed to a regret that these 9 Members should have thought it necessary to persist in the opposition; but, however, the right hon. Gentleman opposite (the Chancellor of the Exchequer), not desiring to embark in one of these contests which were never to the advantage of the House, and seeing that the main objection of these 9 Gentleman to proceed further with the Bill was, that a Bill of this important character should not be discussed at a late hour—[Mr. PARNELL: That the Amendments were of such a character.] Well, but the Amendments were part of the Bill, and it having been urged that the Bill was of such an important character that it could not be discussed at that late hour, the Chancellor of the Exchequer made a perfectly fair offer to the hon. Gentlemen who were opposed to going on that he would not insist upon proceeding, and would, instead, have a Morning Sitting to-day. No doubt hon. Gentlemen had been brought down to the House under very great inconvenience; but that inconvenience had been imposed upon them by the hon. Gentlemen who opposed the progress of the Bill last evening. Beyond that the presence of so many was a testimony that they—no matter at what inconvenience—were desirous to further the progress of Public Business. The two hon. Members who had rendered themselves most conspicuous in their opposition to the Bill early that morning, said the offer

was a fair one, and they accepted it. He (Sir William Harcourt) had heard both hon. Members say that, and he could not believe they would offer any further obstruction when they had been met on the very point they desired. Well, if his hon. Friend (Mr. R. Smyth) had been acquainted with these circumstances, he would not have made his Motion, and it was to be hoped that he would see his mistake and withdraw it.

Mr. CALLAN regretted that the hon. Member for Londonderry (Mr. R. Smyth) was not present when the Adjournment occurred that morning, because, if he had been in his place, he would have received an elaborate lecture on demeanour, and conduct, and vulgarian atrocities from the accomplished Member for Dundee (Mr. E. Jenkins). He hoped the hon. Member would not object to a Saturday Sitting, notwithstanding that it put the Irish Members to serious inconvenience, and that he would not vent his displeasure on the Government for its treatment of his Irish Sunday Closing Bill. He hoped the Motion would be withdrawn, and the hon. Member for Dundee and others would apply themselves to the subject before the House, and not to the administration of lectures, which they were neither of them qualified to give with any effect.

Mr. BIGGAR said, he wished to correct one or two observations of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt). The hon. and learned Member had stated that it was understood at the Morning Sitting yesterday that the Committee on the Bill was to be taken after the discussion on the Motion for the release of the Fenian prisoners. Well, he (Mr. Biggar) was in the House at the time; but he heard nothing of the sort. It might have been understood that the Bill would be proceeded with, if the other matters were finished at a reasonable time; but that was not the case, as the discussion which preceded the Bill had lasted till 1 o'clock. That, he maintained, was not a proper time at which the Business of the House of an important character should have been proceeded with. But this Bill was not really the Business of the House, for it was simply a lawyer's job. Lawyers were very fond of jobs. He had known of many they had performed. He made this statement now

in the face of the reporters—that nobody in Ireland wanted this Bill but the lawyers. He had asserted that last night when reporters were not present, and he now repeated it when the representatives of the Press were in their places, so that there might be no misapprehension on the point. The Government that morning, before the Adjournment, proposed a certain course, and when their proposition was made after what had occurred, he did not feel disposed to fight any longer; but to show that he was not anxious to proceed with the Bill, the first thing he did when the Speaker took the Chair that day, was to move that the House be counted. He was not disposed to go on with that Coercion Bill—it was a Coercion Bill—and his experience had been that the only occasions when Government held Sittings on Saturdays were, when there were Coercion Bills to be passed against Ireland. This was a Coercion Bill, because it was mainly to give power to the Lord Chancellor to raise lawyers' fees. He thought that unless the Government could show some reason why the Bill should be proceeded with, hon. Members should vote for the Motion of the hon. Member for Londonderry (Mr. R. Smyth). Reference had been made to the Irish Sunday Closing Bill; but a Saturday Sitting for that Bill was a different thing; because that measure was supported by three-fifths of the Irish Members, while this Bill had only the support of the lawyers. He recommended the Government to accede to a proposition to withdraw the Bill for that Session, it would be only the addition of one to many Bills which would have to be so withdrawn. If the Bill was gone on with, it would only result in its being lost altogether; or else it would be passed in a form not beneficial to the country. As the measure stood, it was a most unreasonable one, and some of the clauses were two pages long, and how the deuce—[*Cries of "Order, order!" and "Chair!"*]

THE CHAIRMAN rose to Order, and remarked that such expressions were unbecoming in the House of Commons.

MR. BIGGAR said, he begged to apologize. If the answers he received to the Amendments he moved in Committee were not satisfactory, he should amend his suggestions to make them acceptable, and bring them up again on

Report. He should feel it incumbent on him to raise certain questions on the Report, as the measure perpetuated a vicious system, and gave the Chief Justices power to select the employés they would have in the Courts. Hon. Members were told that the measure would lessen expenses; but that was simply talk, for the expenses would be increased rather than diminished.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he had several times before heard remarks similar to those which had fallen from the hon. Member for Cavan (Mr. Biggar), with respect to the nature of the Bill, and he would only say with regard to those remarks that he failed to recognize the objections which had been made. This was a Bill calculated, if carried into law, to work out the wants of the country if looked at in a fair point of view. He had endeavoured to give such explanations as were necessary when its different clauses came up, and if the hon. Member wished to put other points before the House he would have an ample opportunity of doing so on the Report. If the hon. Member at that stage of the Bill could induce the Committee to believe that the explanations he (the Attorney General for Ireland) had given were unsatisfactory, the necessary alterations could be made in the Bill. The hon. and learned Member for the City of Oxford (Sir William Harcourt) had given a perfectly accurate explanation of how the Bill had come on to-day. The only objection to proceed last night and finish the Bill was the lateness of the hour, and what remained now to be done might be got through in half-an-hour. And that was why the Sitting was fixed for to-day. The hon. Member opposite (Mr. R. Smyth) had said that he and others had been taken by surprise; but he (the Attorney General for Ireland) took it that there could not be much surprise about the matter. Such an Assembly as he saw before him on Saturday showed that there could not be much surprise. It was announced early that morning that there would be a Sitting to-day, and that was assented to by the hon. Member for Cavan. [Mr. BIGGAR: No, no!] At all events the hon. Member did not express any dissent, so far as he could gather. No one but the hon. Member for Londonderry

Mr. Biggar

had expressed the slightest unwillingness to proceed with the Bill. They had all come down at considerable inconvenience, and they were now asked to put themselves to the further inconvenience of going away without doing anything. After the sacrifice of the little leisure which otherwise hon. Members would have had, such conduct was not reasonable, and he should have thought the hon. Member for Londonderry would have satisfied himself by giving statistics, and would not think it necessary to press his Motion. He did not see anything that was to prevent them from finishing the Committee by 1 o'clock.

MR. SHAW protested against the assertion which had been made by the hon. Member for Cavan (Mr. Biggar) to the effect that the Bill was merely a "lawyer's job." Indeed, he had heard from the highest authorities that the measure was not at all a popular one in the Four Courts, and anyone who obstructed it was only carrying out the wishes of those engaged in the Courts. He also knew the opinions of some of the business men who were competent to form opinions on the subject, and he could assure the House that it was believed that the measure would have the effect of simplifying the procedure in the Courts, and that it would bring about assimilation in the law of Ireland to that of England, which would be a great advantage. The Bill depended in a great measure on the County Officers and Courts Bill; in fact, each depended on the other, therefore those who obstructed the Judicature Bill were equally obstructing the County Officers Bill. He hoped the Motion to report Progress would be withdrawn.

MR. WHITWELL said, if there was anything he had learnt which had been of great advantage to him since he had been in the House of Commons, it was the benefit of acquiescing in and carrying out one's part in an honourable understanding. He had himself given way on occasions when he wished to take a certain course under circumstances somewhat similar to the present. They knew there was an honourable understanding last night—the hon. Member for Meath (Mr. Parnell) assenting, and the hon. Member for Cavan (Mr. Biggar) not opposing—that they should be allowed to proceed with the Bill to-day. He hoped, therefore, the

hon. Member for Londonderry (Mr. R. Smyth) would not press his Motion. They had all come down to the House that day with some inconvenience to themselves. He, with many hon. Gentlemen, had had to sacrifice an object which he had very much in view, and he trusted that the little Business they had to conduct would be entered upon at once.

MR. FAWCETT said, he did not wish to say anything which might lead to a repetition of what occurred last night, and he would appeal to his hon. Friend the Member for Londonderry (Mr. R. Smyth) to withdraw his Motion. Nothing could be more fair, decent, and courteous than the statement the Chancellor of the Exchequer made early this morning, after the feud had gone on—of which he would only say that the more it was thought about the more it was to be regretted. The right hon. Gentleman made a proposal. He said he understood that the hon. Members for Meath and Cavan objected, in consequence of the lateness of the hour, to go on with the Bill, and therefore he proposed that the House should sit to consider the Bill at 12 o'clock this day. It would have been competent then, when the proposal was made, for either of the hon. Members to have objected to the proposal; but neither of them did so, the hon. Member for Meath, in fact, expressed himself as being perfectly satisfied with the arrangement of the Chancellor of the Exchequer, and the hon. Member for Cavan, who had acted with him throughout the evening, and who was sitting by his side, did not make the slightest objection. Therefore, it must be taken that silence gave consent. The hon. Member for Limerick County (Mr. O'Sullivan), who, he believed, was now in his place, had taken part in the discussion of last night, and he afterwards came over to him (Mr. Fawcett) and said that the arrangement proposed by the Government was perfectly satisfactory. Under these circumstances, there being no opposition last night to the proposition to proceed with the Bill that day, he thought the hon. Member for Londonderry would not think it reasonable that the Committee should refrain from proceeding with the Bill, having met for that purpose.

MR. RICHARD SMYTH said, the explanation which had been given had

in some measure removed the false impression that he had formed of the proceedings and understanding come to last night, and, therefore, he would withdraw his Motion. He had been under the impression that the Chancellor of the Exchequer had appointed a Saturday Sitting for the purpose of, in an indirect way, punishing the hon. Members for Cavan and Meath on account of their persistence in opposing the Bill. He thought that if the Chancellor of the Exchequer wished to intimidate the hon. Member for Cavan by harassing the House of Commons he was very much mistaken. He understood now, however, that the hon. Member for Cavan had made himself to some extent a party to the arrangement which was arrived at, and he would not hold out to the hon. Member the temptation to relieve himself from any implied obligation under which his silence placed him.

MR. BIGGAR denied the propriety of the assumption that because he did not say anything in answer to the Chancellor of the Exchequer, therefore he assented to the arrangement proposed. He did not assent to it. He simply allowed the decision of the House to be taken without a division. The hon. Member for Londonderry (Mr. R. Smyth) had simply struck the right nail on the head, when he said that the Chancellor of the Exchequer proposed the Saturday Sitting on purpose to annoy him (Mr. Biggar). [*Laughter.*] There was no doubt about that, and he would tell the hon. Member why. This proposal was not made until after an hour had been spent in the discussion of the Question, whether or not Progress should be reported. It was only after the House had divided on the Motion for reporting Progress, and another Motion had been made that the Chairman leave the Chair, that the Chancellor of the Exchequer suggested a Saturday Sitting. If he had made the suggestion at 1 o'clock, there would be some soundness in the argument that this Sitting was the result of an arrangement. But, as a matter of fact, he did nothing of the sort. The Chancellor of the Exchequer always spoke civilly; but he had an extraordinary propensity for trying to carry his point. On that occasion he had succeeded in carrying his point; but it was only after he found that he

was unable to get the Bill finished at yesterday's Sitting.

MR. PARNELL said, he was glad that discussion had taken place when the reporters were present and able to record the proceedings. Last night, when the Chancellor of the Exchequer attempted to force the House to go on with the Bill, the reporters were not able to report the proceedings. He regretted the right hon. Gentleman was not now in his place. He could bring them all down to the House, but he could not make it convenient to come himself. He had that morning refused to accept the proposition of the hon. Member for Cavan (Mr. Biggar), that the Amendments should be postponed to a future day. This proposition was a perfectly reasonable one, while the action of the Government was most unreasonable. With regard to the charges of obstruction it had been said that an attempt was being made to stop the Business of the House, and he felt inclined to think when he heard such things, that hon. Gentlemen who said them were not answerable for their actions or their words, because, if they had taken the slightest trouble to look into the causes and facts that led to obstructions, they would see that if anyone wanted to obstruct the Business of the House it would be possible to do so in such a way as to prevent the transaction of all Business. He wished to say, publicly and deliberately, that he had never willingly obstructed any Business of the House. He never tried to obstruct the proper performance of Business, and he did not see that it would ever be necessary for him to do it. It was quite possible, however, that the Irish people might, at some time or other, come to consider that as long as Irish measures were obstructed in the present manner by Englishmen, who came down, and, by physical force, without listening to arguments, voted down the Amendments which were brought forward—their Representatives should deliberately obstruct English Business, and adopt a policy of retaliation. He did not give his opinion as to whether that would be a right or a wrong policy; but he felt sure that if the Irish people were determined on such a course, they would not be so without sound and proper reason, and under those circumstances he should not hesitate to carry out their recom-

Mr. Richard Smyth

mendations. He had not obstructed in the past, and he certainly should not do so in the future, unless he were instructed by his constituents. Now, as to the Bill, the hon. Member for Cavan had called it a "lawyer's job," and he (Mr. Parnell) reiterated it. It was known that negotiations had been going on between the Governments and the lawyers with regard to the measure. The Bill had been altered in several material points since last Session; still, he did not speak from his own observation, but from that of gentlemen who had studied the case far better than he had done, when he said that the measure was not at all requisite. He had asked the Government in the past, whether they intended to waste any more time over the Bill, and he would take this opportunity of again asking whether they intended to do so? If the Government persevered with it, what would be the result? And he asked this in the interest of the Public Business of that House. It was indispensable that numerous Amendments, far more numerous than those which had been proposed by the Committee, should be moved on the Report, and he therefore could not see that there was any possibility of the measure passing into law without keeping them engaged much longer than the House would care about. He had been carefully looking over the Bill since it had got into Committee, and he saw it would involve the wasting of a considerable amount of time to press it on.

MR. MELDON thought the course taken at the last Sitting, when a small minority of 7 hon. Members voted against the large body of Irish Members upon a matter of business purely affecting Ireland, was obstructive not only to English, but to Irish Business. But for their obstruction considerable progress might have been made with the Bill, as the only point before the Committee affected practice and procedure, and not principle.

MR. M'CARTHY DOWNING, while admitting that every hon. Member was entitled to express his views at any time and on any subject, was of opinion that a few of the Irish Members were attempting to obstruct Irish Business. Such a course of procedure could be best described as anything but patriotism. He totally denied that the Bill was merely a lawyer's Bill, and that it was not desired by the Irish people, because

a measure of this kind had long been sought for in Ireland.

MR. O'DONNELL said, he looked upon the fact of the Government holding a Morning Sitting as a symptom that they were coming round to the views held by the Irish Members on the subject of daylight legislation. At the same time, he thought the Government themselves were to blame for the proceedings of the day. He held that every effort which had been made the night before by the hon. Member for Meath (Mr. Parnell) had been interrupted, and with all due respect for the courage of hon. Gentlemen opposite, he did not think that such efforts would have been made at an earlier period of that Sitting. He was of opinion that the Government would be consulting the convenience of the House generally by not proceeding further with such discussions as the one which was then going on on a Saturday, and especially as they had now arrived at such a point in the discussion that there was no telling how long it might last. If they had got to such a point in one hour, where would they get in another? Under those circumstances he was ready to waive his predilections in favour of daylight legislation for the time, and hoped the Government would postpone proceeding with the Bill until Monday.

MR. O'SHAUGHNESSY thought that as there were only a few technical objections to be disposed of, it would be better for the Committee to at once proceed with the measure. He had to express his regret that the matter had not been concluded the night before. It had been said by some hon. Members that the Bill was not popular, but he asked what Law Bill had ever been popular? With regard to the remark that the Bill was intended to increase costs, the hon. Member for Cork County had attempted to introduce an Amendment for that purpose, but the attempt was defeated. Therefore, the danger feared by the hon. Member for Cavan (Mr. Biggar) did not now exist. He must emphatically deny that the Bill was a lawyer's Bill. It was a most important measure, and would do much to remove legal abuses in Ireland. He hoped there would be no further obstruction to its progress by a section of the Irish Members.

MR. CALLAN objected to hon. Members who had voted with the minority

being pilloried, and held forth as obstructives. He was anxious to see the Bill passed, and invited the hon. and learned Members for Kildare and Cork County, who were the real obstructives, to follow the example of the right hon. and learned Gentleman the Attorney General for Ireland, and discuss the Bill with tact and temper, or remain silent. He had only voted against it on the division as recording his protest against language used in the debate against certain Irish Members, and which he thought was most unseemly.

MR. PARNELL said, the majority of last night was certainly not an overwhelming majority of Irish Members, since it included only 13 as against 9. If the course adopted by the Chancellor of the Exchequer last night was to punish his hon. Friend the Member for Cavan (Mr. Biggar) and himself the right hon. Gentleman was very much mistaken. The manner and temper of the speech of the hon. and learned Member for the City of Oxford showed that he thought they ought to be punished.

SIR WILLIAM HARCOURT submitted to the Chairman, whether it was competent for any hon. Member to misrepresent what another hon. Gentleman had said?

THE CHAIRMAN said, it did not appear to him that the hon. Member for Meath had intentionally misrepresented the hon. and learned Member.

MR. PARNELL had expressly guarded himself against repeating the very words of the hon. and learned Member, because he had not taken them down.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it was due to the House that he should explain why his right hon. Friend the Chief Secretary and himself were not present when the House met at 12 o'clock. It was this—they were obliged to attend a Cabinet Council at 11 o'clock, which had only been summoned that day, and which it was important and necessary they should attend. Under all the circumstances, they saw no difficulty in absenting themselves from the discussion of what remained of the Irish Judicature Bill, and for this reason, that as the Amendments were of a purely legal character the discussions would necessarily be of a legal character, and they were matters which the right hon. and learned Gentleman the Attorney General for Ireland would

be in his place to explain. It did not appear that by the absence of himself or the Chief Secretary any inconvenience would arise; and he must say that he was surprised to find that any difficulty had been raised as to proceeding with the questions at issue. He might remind the House of what took place yesterday. The Bill was fully discussed at the Morning Sitting up to within a short period of its completion, and then it was understood it would be taken up at the Evening Sitting. It was then objected that there was not time to proceed with it, and there appeared to be a disposition on the part of everyone that the Bill should be proceeded with, and finished at a Morning Sitting to-day. He believed that the course pursued was one calculated to meet the convenience of all parties, and he was hardly prepared for the objection which had now been raised. The hon. Member for Meath (Mr. Parnell) must see that there had been every disposition on the part of the Government to deal with the matter in a fair and impartial spirit, and he trusted the Committee would now proceed with the special question before the House.

MR. BIGGAR said, it had been said that he had something to do with the obstruction last night, but all he had done was to report Progress. He did not make his Motion until 1 o'clock, and the Government not seeing their way to assent to it, a discussion arose which lasted an hour before a division took place, and then another Member moved that the Chairman do now leave the Chair. He had nothing whatever to do with that Motion, and did not want to be blamed for it.

MR. BUTT said, he rose with great reluctance and feelings of humiliation to take part in that miserable discussion. In all his experience he had never known a greater squandering of the public time. So far they had been discussing, as if it was a measure of the utmost importance, what the hon. Member for Cavan (Mr. Biggar) said last night at one part of the evening, and what the hon. Member for Meath (Mr. Parnell) said at another period, and what somebody else had said at some other. He did not rise, however, to speak upon subjects which he was afraid he would speak too strongly upon, but he simply rose to explain his own position with

reference to the Bill. He disliked this Bill, and he also disliked the English Bill; indeed, he had obstructed them both, for there was a legitimate as well as an illegitimate method of obstruction, and he believed he was the means of preventing the passage of the Bill for one year. He believed, however, that as the English Bill had passed, something like it must also pass for Ireland, because it was a natural consequence. He was prepared, therefore, to acquiesce in the inevitable, and beyond that he had found a strong feeling in Ireland that in order to bring about a settled state of affairs the subject should be dealt with. It was merely a question of time, and he was therefore prepared to assist in passing a Bill which would set the question at rest.

MR. PARNELL quite agreed that it would ultimately be necessary to pass a Bill relating to the Irish Judicature, but that was no reason why they should allow this Bill to go through without full and proper discussion, and without endeavouring to insert those Amendments which they considered to be necessary and proper. All that had been said tended to show that that Parliament was incapable of managing Irish affairs, or of legislating for the Irish people. The present Bill was brought forward at a very late period of the Session, and when there was apparently no chance of passing it, if a proper discussion upon it took place; but were they for that reason to say that they should refrain from attempting to make Amendments which they believed to be requisite in a measure which was full of abuses and anomalies. He did not believe the interests of Ireland would be injured if the Bill were stopped.

MR. RICHARD SMYTH wished to explain that he had merely moved to report Progress under what he supposed to be the circumstances of last night, in order to obtain an explanation from the Government; but since, having offered to withdraw, he was in no way responsible for what had taken place afterwards.

MR. E. JENKINS said, hon. Members might speak approvingly of the discussion at that time; but the question which suggested itself was, what the people of Ireland would think of it? It was because these reports were circulated amongst a large number of igno-

rant people in Ireland unanswered, that they were likely to cause the very feeling which the House desired to suppress, and which they all felt did not add to the dignity of the Assembly. He wished to show what motives had actuated the hon. Member for Meath.

THE CHAIRMAN pointed out that the hon. Member could not discuss motives.

MR. PARNELL said, he would give the hon. Member for Dundee every facility that the Rules of the House would permit of in discussing the motives which guided him.

MR. E. JENKINS said, hon. Members below the Gangway had declared that they were not obstructing Business; but there seemed to be very little reason in the stand they had taken. They contended they had a right to obstruct the Business at a certain time in the morning, so that they might not pass late legislation. The Rules which had been laid down were intended to prevent the tyrannical use of a majority, where there was a strong minority on a given subject; but he failed to see that in the present case, there was a strong minority, for even the Irish Members, as a rule, were opposed to the tactics which had been pursued, and there was no indication that the constituencies supported the course of obstruction which had been pursued. He (Mr. Jenkins) possibly last night might have spoken somewhat strongly; but the patience of the House had been extremely tried, and it was futile for a dozen hon. Members, in the course they had adopted, to expect they would be able to change a method of proceeding which had obtained for centuries. When the Home Rule Party came into the House, there was an anxiety on both sides of the House to yield every fair opportunity for them to put forward their claims, and it was felt that the Party under the Leadership of the hon. and learned Member for Limerick (Mr. Butt) and the hon. and learned Member for Louth (Mr. Sullivan) would add dignity to the proceedings of the House; but, unfortunately, there was a Rump of this Party which came forward claiming to represent the Irish people.

MR. PARNELL rose to Order, and said he never claimed to represent the Irish people.

MR. E. JENKINS was proceeding, when—

MR. PARNELL again rose to Order.

THE CHAIRMAN called on the hon. Member for Dundee (Mr. Jenkins) to proceed, and reminded the hon. Member for Meath (Mr. Parnell) that he would have the opportunity of making any observations afterwards.

MR. E. JENKINS continued: He did not wish to misrepresent the hon. Member for Meath; but he certainly understood him to say that the people of Ireland did not want the Bill, and, therefore, he was speaking as the mouthpiece of the Irish people.

MR. O'DONNELL said, if for nothing else, he must thank the hon. Member for Dundee for having described the Irish people as ignorant. When the hon. Gentleman again courted the favour of the Dundee Home Rule Association any reference to "the ignorance" of the Irish people would, doubtless, be far, if not from the mind, at least from the lips of the hon. Gentleman. He had spoken of a time when the Home Rule Party, led by the hon. and learned Gentlemen the Members for Limerick and Louth (Mr. Butt and Mr. Sullivan), had the respect of the House owing to their amicable spirit, and so on, but what had all this amicability succeeded in gaining? Let last night attest. He did not know what position in the Liberal Party the hon. Member for Dundee aspired to take; but he (Mr. O'Donnell) thought that it would be the extreme remnant of a very small tail. He denied that the Irish people were opposed to a proper judicial system for Ireland, but they objected to a perpetuation of the system of Bar bribery, sinecurism, and jobbery which would be the result of the present Bill.

Motion, by leave, *withdrawn*.

MR. BIGGAR explained that the object of the Amendment he had moved was to give a defendant the option of defending himself.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson), in opposing the Amendment, said, that the hon. Member proposed to strike out the rule that if the memorandum put in by the defendant did not contain his address, it should not be received. Was not that a reasonable rule? Was it not also reasonable that if the defendant gave an illusory address the Court should have power to deal with the matter?

MR. BUTT opposed the Amendment, on the ground that if you had to give a man notice of a trial you must know where to find him.

MR. BIGGAR held that the rule as it now stood only gave room for litigation, and said that if a writ was served at any address which a man gave, all that was necessary would be fulfilled.

MR. LAW pointed out that a man might give an address which did not exist at all, and the object of the rule was to insure that the address should be one that was real.

MR. MELDON also said, if the Amendment was adopted the effect would be this—suppose a person gave an address that did not exist, there would be no place to serve papers, and therefore no proceedings at all could be taken.

MR. PARNELL said, he saw no occasion for the clause, which, whilst being unnecessary, might also prove to be most injurious.

MR. BUTT did not altogether agree with the proposed Amendment.

MR. BIGGAR thought that, as a general rule, *bond fide* addresses would be given.

MR. PARNELL again supported the Amendment.

MR. RICHARD SMYTH thought the question should be left over on Report, if the Amendment was not agreed to.

MR. BIGGAR said, the effect of the Amendment would be to give redress to defendants.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, he would consider the subject on Report.

MR. PARNELL objected to the words "illusory and fictitious."

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, those words had been in general use for a long time and could not mislead.

MR. RICHARD SMYTH hoped the right hon. and learned Gentleman would consent to allow the Schedule to stand over until the Report was taken.

Question put, "That the words proposed to be left out stand part of the Schedule."

The Committee *divided*:—Ayes 90; Noes 4: Majority 86. — (Div. List, No. 243.)

NOES — Kirk, G. H. Nolan, Captain Parnell, C. S. Power, J. O'C.

TELLERS — Mr. Biggar and Mr. Richard Smyth.

MR. BIGGAR moved, as an Amendment, the omission of Schedule 25.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) explained that this was one of the most valuable rules in pleading. It was to prevent surprises in litigation, and was intended to prevent a man from keeping back part of his case, and then turning round on the plaintiff with a new statement of facts. It was a rule which had been suggested by the hon. and learned Gentleman the Member for Limerick (Mr. Butt), and accepted by the Government, and he therefore supposed the objection would not be pressed.

MR. PARNELL asked, whether the rule was in the English Judicature Act?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, it was.

MR. BUTT thought it would be impossible to conceive a better rule.

MR. BIGGAR thought the effect of the rule was rather to benefit the Government, than the department.

MR. BUTT agreed that that was the case to some extent with regard to the making of contracts; but he considered it only reasonable that it should be so.

Amendment, by leave, *withdrawn*.

MR. BIGGAR moved an Amendment to Schedule 37, to strike out that portion of the Schedule exempting criminal proceedings from the operation of the Act. As the Bill did not include criminal proceedings, he did not see why the words should stand in the Schedule.

Amendment proposed, in page 64, leave out line 38.—(Mr. Biggar.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) opposed the Amendment. The effect of striking out the words would make all the preceding rules apply to criminal proceedings. The rules drawn up for civil actions were quite unsuitable to criminal proceedings.

MR. BUTT also opposed the Amendment.

Amendment *negatived*.

MR. BIGGAR said, he had another Amendment on the Paper; but after the reception given to the last, he should not submit it.

Amendment, in page 64, to leave out line 39 (Mr. Biggar), by leave, *withdrawn*.

MR. PARNELL moved, after Rule 19, to insert the words—

“That where there were numerous parties having the same interest in one action, one or more might be sued, or allowed to defend, as the case might be, on behalf, or for the benefit of all the parties concerned.”

This, the hon. Member said, followed the English Act.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, he would look into the matter before the Report.

MR. BUTT did not see any objection to the introduction of this particular rule.

MR. MELDON opposed the Motion.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, a question of the kind could not be dealt with lightly. He had not had Notice of the Amendment; but as it appeared in the Act of 1875, he would accept it now; but if he saw reason for any modification, he should bring up the matter on Report. If, where any broad principle was concerned, there were any other of the English rules which the hon. Member after consultation with his legal Friends desired to introduce, he would consider whether that might not also be done on the Report.

MR. BUTT warned his right hon. and learned Friend that if he accepted the insertion of a number of those English rules, he would be opening a door to a discussion of all the rules. He thought it would be better to leave the framing of the rules to the Irish Judges.

Amendment verbally *amended* and *agreed to*.

MR. PARNELL said, that if the rules were framed by the Irish Judges, this House, which ought to have the benefit of the experience of the English lawyers, would have no opportunity of considering the rules. The importance of the rules was such that the House ought to discuss each separately, and to secure such an opportunity, he would move to report Progress.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—(Mr. Parnell.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that every one of these rules had been gone over most carefully by the Lord Chancellor

of Ireland, the Solicitor General for Ireland, and himself. The rules here inserted would be a guide to the Judges, and it would be unreasonable after all that had been done that the Committee should pause for nothing.

Motion, by leave, *withdrawn*.

House *resumed*.

Bill *reported*, as amended, to be considered upon *Tuesday* next, and to be *printed*. [Bill 260.]

House adjourned at Four o'clock, till Monday.

HOUSE OF LORDS,

Monday, 23rd July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—Registration of Leases (Scotland) Act (1857) Amendment * (156).

Report — Factors Acts Amendment * (140); Registered Writs Execution (Scotland) * (144-157); Local Government Board's Provisional Orders Confirmation (Atherton, &c.) * (86)—(Caistor Union, &c.) * (94).

Third Reading — Local Government Board's Provisional Orders Confirmation (Hyde, &c.) * (93), and *passed*.

Royal Assent—Consolidated Fund (£20,000,000) [40 & 41 *Vict.* c. 24]; Solicitors Examination, &c. [40 & 41 *Vict.* c. 25]; Colonial Fortifications [40 & 41 *Vict.* c. 23]; Public Works Loans (Ireland) [40 & 41 *Vict.* c. 27]; Companies Acts Amendment (No. 3) [40 & 41 *Vict.* c. 26]; New Forest [40 & 41 *Vict.* c. 121]; Provisional Orders (Ireland) Confirmation (Artisans and Labourers Dwellings) [40 & 41 *Vict.* c. 122]; Provisional Orders (Ireland) Confirmation (Ennis, &c.) [40 & 41 *Vict.* c. 123]; Tramways Orders Confirmation (Barton, &c.) [40 & 41 *Vict.* c. 124]; Local Government Provisional Orders (Bridlington, &c.) [40 & 41 *Vict.* c. 125]; Oyster and Mussel Fisheries Order Confirmation [40 & 41 *Vict.* c. 126]; Local Government Provisional Order (Sewage) [40 & 41 *Vict.* c. 127]; General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) [40 & 41 *Vict.* c. 128]; Provisional Orders (Ireland) Confirmation (Holywood, &c.) [40 & 41 *Vict.* c. 129]; Elementary Education Provisional Orders Confirmation (Felmingham, &c.) [40 & 41 *Vict.* c. 130]; Gas and Water Orders Confirmation (Abingdon, &c.) [40 & 41 *Vict.* c. 131]; Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) [40 & 41 *Vict.* c. 132]; Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) [40 & 41 *Vict.* c. 133]; Saint Stephen's Green (Dublin) [40 & 41 *Vict.* c. 134].

The Attorney General for Ireland

THE MEDITERRANEAN GARRISONS.

QUESTION.

EARL GRANVILLE: My Lords, I rise to ask my noble Friend the Secretary of State for Foreign Affairs whether there is any information which he can give with regard to the movement of troops to the Mediterranean?

THE EARL OF DERBY: My Lords, I have no difficulty in answering the Question of the noble Earl, which, under the circumstances, is natural and opportune. What has happened is this—The Mediterranean garrisons are at present, I understand, below their full complement, and in the uncertain and disturbed condition of Europe it has been thought desirable that they should be strengthened to the extent of about 3,000 troops. That is the sole foundation for the statements in the newspapers.

CONTAGIOUS DISEASES (ANIMALS)

ACT, 1869—IMPORTED CATTLE.

QUESTION.

In reply to Earl FORTESCUE,

THE DUKE OF RICHMOND AND GORDON said, there had been some further outbreak of cattle plague in the Metropolis; and there had been some fresh importations of diseased cattle. But the regulations in existence would be amply sufficient to deal with that or any other outbreak which might arise. In the Metropolitan area no animal was allowed to leave a cowshed within an affected area except for the purpose of being slaughtered, and no animal was allowed to be removed from the north to the south side of the Thames. A Committee of the other House was now sitting and would shortly report on the subject. It was not for him to anticipate what their Report would be, nor would it be possible for the Government to take any further steps till the Committee had reported.

House adjourned at half past Five o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Monday, 23rd July, 1877.

MINUTES.] — PUBLIC BILLS — *Ordered* — Sale of Food and Drugs Act (1875) Amendment *. *First Reading* — Inclosure * [262]. *Second Reading* — Police Expenses Act Continuance * [259]. *Select Committee* — Parliamentary and Municipal Registration [59], *nominated*. *Committee* — County Officers and Courts (Ireland) (*re-comm.*) * [254] — R.P.; Prisons (Ireland) (*re-comm.*) * [219]. *Third Reading* — Saint Catherine's Harbour, Jersey * [251], and *passed*.

PRIVATE BUSINESS.

DUBLIN CENTRAL TRAMWAYS BILL.

[Lords] — [by Order.]

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

MR. EVELYN ASHLEY, in moving that the Consideration be deferred for three months, said that the original estimate on the Bill, when presented to the House of Lords, was £12,000, upon which a deposit of 5 per cent was made. That estimate had now been increased to £40,000, while the deposit had not been correspondingly increased. The Select Committee of the House of Commons had passed the Bill, inserting the following clause:—

"Whereas it appeared that the said Estimate was wholly insufficient, and that to complete the works a further sum will be required, it shall not be lawful for the company to put any of the powers of this Act in execution until they have deposited a further sum in the Court of Chancery of £1,400."

A Bill passed upon such a Report as that would be a violation of the Standing Orders of the House. The argument used by the promoters of the Bill was, that the increase had been caused by the House of Lords striking out the clause relating to steam power; but the original Bill provided for the use of steam or other power, and an equal expense would follow upon the use of either power. He submitted that the extra deposit provided for in the clause he had read did not meet the case, as it was not done under

the authority of the Standing Orders and would enable the promoters to keep their powers hanging over the parties concerned without giving the required guarantee in the shape of the proper deposit paid at once. It was an illustration of the evils that might arise if the Report of the Committee was acted upon, that the promoter of this Bill had become a bankrupt since it passed the House of Lords, and had parted with his interest in the Bill, thus indicating that the additional deposit of 5 per cent had not been made, because he was unable to provide the deposit, and therefore unfitted to be entrusted with a concession of this sort. This case would make a bad precedent and open a door to all the evils which the Standing Order was intended to prevent. Although the deposit had, within the last day or two, been paid, yet he held that the Standing Orders had not been strictly observed, and he intended to divide the House, unless a statement by the Chairman of the Committee could remove the objections which he had expressed. The hon. Gentleman concluded by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Ashley.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. RODWELL said, he knew nothing of the facts of the case, but he looked upon it as a question of principle; and if what the hon. Member for Poole (Mr. Evelyn Ashley) had stated was correct, it seemed to him there had been a gross infringement of the Standing Orders. The question would arise whether it was such an infringement as would be fatal to the Bill. In his experience, it was an unprecedented case. Two Standing Orders were involved. One provided that a deposit should be paid into the Court of Chancery in Ireland, for the purpose of guaranteeing those whose property was affected, and in order to show the *bona fides* of the scheme. In the interest of the public that was a most important Standing Order; for parties might bring forward Bills which would greatly affect the public interest and the interest of property, and yet not have any capital to warrant their undertaking. In this case the Committee had exceeded their duty, and had misunderstood their

duty, because until the Standing Orders were complied with, no Committee could deal with such a question as this at all. In this case £600 was the deposit originally made, and £2,000 was the deposit required. A few years ago, a special tribunal was instituted to inquire into the question of estimates, and the Bill would at once have been stopped on the showing before that tribunal that the estimate was insufficient, or that the deposit was insufficient. In both those respects there had been a default, and if the Bill was sanctioned without further investigation all Standing Orders had better be erased. The matter should be referred back to the Standing Orders Committee, because no private Committee could take upon itself to do what was in direct violation of the Standing Orders. No case similar to this had arisen in his Parliamentary experience.

SIR UGHTRD KAY-SHUTTLEWORTH, as Chairman of the Committee on the Bill under notice, said, the Committee did not state that the Standing Orders had not been complied with, because it was their opinion, so far as they could tell, that they had been complied with. The question was entirely one of estimate. The Bill came before the Committee supported by the local authorities and by the townships through which the tramways would pass, and by the Corporation of the City of Dublin; in fact, there was no opposition to it at all, except from the tramway company which had already many tramways in the vicinity of Dublin, and which did not oppose so much on the ground of competition, as on the ground of jealousy at the introduction of a new company in the neighbourhood of Dublin. As regarded the estimate, no doubt it was a rather startling fact in Committee when it appeared that the original estimate of £12,000 was proposed to be increased to £40,000; but, in the first place, this increase was honestly and straightforwardly stated in answer to a question of the counsel for the Bill; and the circumstances of the increase were not the subject of much evidence, as the opponents did not attempt to prove that the original estimate was insufficient. The Committee were unanimously of opinion that there was no evidence to show that the original estimate had been insufficient; but as in consequence of the change made at the instance of the Board of Trade in the

House of Lords, whereby steam was struck out of the Bill, the expense would be greatly increased, it seemed to them a case in which a change had become necessary. They did not act hastily; they sent a message to Mr. Rickards, the Speaker's Counsel, requesting him to advise with them. He asked were they satisfied that the original estimate was *bond fide*? They said they were. Were they satisfied that the application was straightforwardly made? They were satisfied of that. Then he said the Bill might be saved by putting into it a clause which he would draft. That clause had been embodied in the Bill, and was to the effect that before any of the works were executed, an additional amount should be deposited. That increase had been deposited. Another change had also been made, greatly to the advantage of the Bill, and it came in a shape which commended itself to the Committee, because of the substantial character of Mr. Lombard, the gentleman who promoted it. There could be no doubt that the works would be carried out satisfactorily and substantially. The Committee were satisfied that there was no *mala fides* in the case. He admitted that it was exceptional, but did not think it would constitute a precedent; or even if it did, that it would be otherwise than a good one. He believed the Committee were right in the course they had taken, acting as they did, not on their own opinion alone, but on the advice of Mr. Rickards. When a good deal of time had been spent upon a Bill of this sort, which was supported by all the local authorities and opposed by no one of importance, it was a pity that it should be opposed by a technical objection raised at the last stage.

MR. RAIKES said, this was a very important point, well deserving the attention of the House. The House would recognize the pains and care which the Committee had brought to this inquiry, and it was important to avoid diminishing the authority of a Select Committee; but the statements made by the hon. Member for Poole (Mr. Evelyn Ashley) and the hon. and learned Gentleman the Member for Cambridgeshire (Mr. Rodwell) showed that this was a very exceptional and peculiar case. In 1850 and in 1853 questions of the sort arose, and a Motion was made to refer the Bills to the Examiner of Private Bills, that he might report to the House whether or

Mr. Rodwell

not there had been any infractions of the Standing Orders. He would not prejudge this case, but would be satisfied if they could obtain the Report of the Examiner. It appeared to be exceedingly doubtful whether the Committee had observed the Standing Orders, and especially that one which was intended to prevent schemes obtaining the authority of Parliament which might be used in order to occupy the ground, and prevent the operation of genuine companies. It was also intended to prevent such things as occurred in foreign countries, where persons obtained concessions, and made what they could out of them. The only security Parliament had been able to devise had been to require that the estimates of these schemes should be *bond fide*, and that a sufficient deposit should be made. It would be lamentable if, on the decision of a single Committee, they were to deviate from those rules which had obtained hitherto general approval, and to depart from the spirit of the Standing Orders. But they had a Committee on Standing Orders, with an Examiner, who reported to the Committee. He should be sorry if there were any division on the question, as it might put the parties in a false position, and inflict unnecessary hardships on the promoters of the Bill. If the Bill was referred back to the Committee it would go to the Examiner, and if they thought the circumstances were such that the House might take an exceptional course the matter would be regularly proceeded with. He thought if both the Motion and the Amendment were withdrawn, it would be well if a Motion was passed, which he would then move, that the Bill, as amended in Committee, be referred to the Examiner of Petitions on Private Bills, to inquire whether the Amendments involved any infraction of the Standing Orders of the House.

SIR UGHTRED KAY-SHUTTLE-WORTH expressed his readiness to accede to the course suggested by the Chairman of Ways and Means.

Amendment and Motion, by leave, *withdrawn*.

Ordered, That the Bill, as amended in the Committee, be referred to the Examiner of Petitions for Private Bills, to inquire whether the Amendments involve any infraction of the Standing Orders of this House.—(*The Chairman of Ways and Means.*)

QUESTIONS.

EDUCATION — ENDOWED SCHOOLS — THE TONBRIDGE SCHOOL.—QUESTION.

MR. GOLDSMID asked the Vice President of the Council, What has become of the scheme of the Endowed Schools Commissioners for the future management of the Tonbridge School?

VISCOUNT SANDON: Sir, I am informed by the Charity Commissioners that the scheme for Tonbridge School, a draft of which was published some time since by them, has been withdrawn by them in consequence of some liberal proposals which have been made by the Skinners' Company for the establishment and endowment of a second or middle school, for the benefit of the district interested in Sir Andrew Judd's School, the school alluded to by the hon. Gentleman. The scheme for Sir Andrew Judd's School had consequently to be re-cast, and copies are in the hands of the Skinners' Company for their consideration. There is, therefore, reason to hope that a satisfactory scheme may be arranged for this important foundation.

LAW AND JUSTICE—STOKESLEY COUNTY COURTS.—QUESTION.

MR. WAIT (for Sir CHARLES LEGARD) asked the Secretary of State for the Home Department, with reference to the case of "*Brunton v. Pennington*," tried in the County Court of Yorkshire, holden at Stokesley on the 18th May 1877, If he is able to state to the House on what grounds the Judge refused to grant a case for the opinion of the High Court, on the legal points of great importance to a large class of persons which were then raised; whether this is the third time, since January 1876, that a case has been heard at that court, which depended on the true construction of an Act of Parliament, 1 and 2 Will. 4, c. 32, and whether on each of those occasions a case for the opinion of the High Court, on the true construction of that Act, has been asked for and refused; and, on what grounds the Judge refused to receive the documentary evidence submitted to him, under the Act 34 and 35 Vic. c. 112, and whether on each of the previous occasions above referred to, similar documentary evi-

dence under the same Act was submitted and received?

MR. ASSHETON CROSS, in reply, said, he was unable to state why the Judge had refused to grant a case for the opinion of the High Court on the legal points involved in the case referred to; and, although he did not think such a Question should be put to him, he had put himself in communication with the Judge with a view to its being answered.

DISSENTING SERVICES IN PARISH CHURCHYARDS.—QUESTION.

MR. SEELY asked Mr. Attorney General, Whether his attention has been called to a letter written by the Bishop of Lincoln to the Vicar of Sutton-in-Ashfield, from which it appears that the Vicar had announced his "intention of allowing the churchyard of that parish to be used for other services than those of the Church of England;" and in which letter the Bishop warns the Vicar that by acting upon this intention he will render himself liable to legal proceedings; and, whether, in his opinion, the incumbent of a parish who permits the burial of Nonconformists by Nonconformist ministers, with "other services than those of the Church of England," does so render himself liable to legal proceedings?

THE ATTORNEY GENERAL: Sir, my attention has been drawn to the letter alluded to in the Question of the hon. Member for Lincoln. In my opinion, the incumbent of a parish who permits the burial of Nonconformists by Nonconformist ministers with other services than those of the Church of England renders himself liable to be proceeded against under an Act which was recently passed by Parliament, the provisions of which will doubtless be in the recollection of the hon. Member—I mean the Public Worship Regulation Act, 1874.

BOARD OF PUBLIC WORKS (IRELAND)—COMMITTEE OF INQUIRY—THE BALLINAMORE AND ULSTER CANALS. QUESTION.

CAPTAIN O'BEIRNE asked the Chief Secretary for Ireland, If it is the intention of Government that the inquiry to be held during the Recess into the administration and constitution of the Board of Works is to include within its

scope the present useless condition of the Ballinamore and Ulster Canals, with a view to suggesting a remedy and prevent the final and complete loss of the large sums of public money spent on their construction—taking into consideration the resolutions passed by the Fermanagh Grand Jury at the March and July Assizes of 1877, and by the trustees from the counties of Cavan, Fermanagh, Leitrim, and Roscommon, in September 1875?

SIR MICHAEL HICKS-BEACH: Sir, the inquiry which my hon. Friend the Secretary to the Treasury undertook to hold was an inquiry into the administration and constitution of the Board of Public Works in Ireland. I do not see how it will be possible to combine an inquiry into the constitution of a Department with one into the history and condition of a canal.

NAVY—PROMOTION AND RETIREMENT OF MARINES.—QUESTION.

MR. GORST asked Mr. Chancellor of the Exchequer, Whether the Treasury Warrant for the promised scheme of promotion and retirement in the Royal Marines will be laid upon the Table of the House at the same time as the Warrant for the new scheme of promotion and retirement in the Army?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the scheme, or any measure which the Government might adopt with regard to the promotion and retirement of Royal Marines, would not form the subject of a Treasury Warrant, but of an Order in Council, which would be submitted to Her Majesty in the usual way by the Lords of the Admiralty. He understood that the Report of the Committee upon which the scheme would be founded had been kept back until the Government had decided on the scheme for the Army, which would be in the hands of the Admiralty in the course of a few days. The case of the Marines would differ from that of the Army, because an Army Warrant would require a Vote of money, whereas the money needed for the Marines had already been voted.

THE NEW NAVAL COLLEGE, DARTMOUTH.—QUESTION.

SIR H. DRUMMOND WOLFF asked Mr. Chancellor of the Exchequer, When

Government will bring forward the Vote for the proposed purchase of the Mount Boone Site?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was in communication with the First Lord of the Admiralty with regard to the Vote in question. He had endeavoured to state as near as possible when the Vote would be brought forward.

ITALY AND ALBANIA.—QUESTION.

MR. WAIT asked the Under Secretary of State for Foreign Affairs, Whether any information has reached Her Majesty's Government of an expedition being secretly fitted out at an Italian port in the Adriatic with a view to a descent on the coast of Albania; and, if so, whether he will communicate such information to the House?

MR. BOURKE: No, Sir; no official information has reached Her Majesty's Government on the subject.

ITALY—GERMANY.—QUESTION.

MR. ERRINGTON asked the Under Secretary of State for Foreign Affairs, Whether any information has been received at the Foreign Office as to the report that General Claer, an Aide-de-Camp of Marshal Moltke, has been sent on an official mission to Rome; if so, whether he has any information as to the nature of that mission; and, whether it is a fact that the Italian Government has recently bought 5,000 horses?

MR. BOURKE: No, Sir, no official information has reached Her Majesty's Government with respect to the mission of the officer in question. With respect to the second part of the Question, I believe the Italian Minister of War has asked the Italian Chamber for a Vote for an additional number of horses; but Her Majesty's Ambassador at Rome, reporting the fact, informs us that the supply of horses now possessed by the Italian Army is much below the peace establishment.

PRISONS (SCOTLAND) — CATHOLIC PRISONERS.—QUESTION.

MR. REDMOND asked the Secretary of State for the Home Department, If he can state what is the number of Roman Catholic prisoners confined in the several prisons of Scotland, and in how many of such the sacrifice of the mass, attend-

ance at which is obligatory on all Catholics, is offered on Sundays?

MR. ASSHETON CROSS: I am unable to give the actual numbers; but I believe a third of the prisoners in Scotland are Roman Catholic, and that about a third of that number are found at the prison at Perth, where there is a Roman Catholic minister, who is paid by the Government, and who holds services, but of what those services consist I cannot say.

ADMIRALTY COURTS, CORK AND BELFAST.—QUESTION.

MR. M'CARTHY DOWNING asked Mr. Attorney General for Ireland, Why the Rules for carrying out the operations of the Admiralty Courts in Cork and Belfast, framed by the Lord Chancellor, and laid before the Treasury in the month of May last for approval, have not been put in force and the Courts opened for administering the Law?

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON), in reply, said, the delay was owing to the necessity of making inquiries requisite in order to enable a schedule scale of fees to be fixed, and the basis arranged for the remuneration of the officers. All those difficulties had been overcome, and he hoped the Rules would be issued within the next fortnight.

INDIA—CHURCH OF ENGLAND MISSIONARIES AND INDIAN BISHOPS.

QUESTION.

MR. A. MILLS asked the Under Secretary of State for India, Whether the attention of the Government has been called to certain resolutions passed at a meeting of the Indian Bishops held at Calcutta on the 8th of March last, to the effect that all the appointments to spiritual functions in their dioceses ought to be made with the recognition of the rights of the Bishops to exercise a veto upon the same; whether the powers thus asserted are within the limits prescribed by stat. 53 Geo. 3 c. 155; and, whether an exercise of authority over the Missionary Clergy in India, on the part of Bishops paid out of Indian revenues and appointed by the Secretary of State, is consistent with the policy hitherto adopted by the Imperial Government of entire abstention from all

official interference with the religions of the natives of India?

LORD GEORGE HAMILTON: Sir, the Indian Government has invariably abstained from interfering with the religion of the Natives of India, nor does it give to any person acting under it authority to do so. With regard to the exercise of authority by the Bishops over the missionary clergy in India, those missionaries may happen to be clergymen of the Church of England; but in any case they are, in common with all other clergymen, under the provisions of the Letters Patent, subject to the jurisdiction of the Bishops in whose diocese they may happen to be officiating; but no secular assistance or recognition is on that account given by Government to any missionary undertaking. No alteration is proposed or contemplated in the policy hitherto adopted by the Imperial Government, neither have we any official cognizance of the resolutions alluded to by my hon. Friend.

**TURKEY—BOSNIA AND HERZEGOVINA.
QUESTION.**

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, Whether there are any Despatches since the 29th day of March from Her Majesty's Consuls in Bosnia and Herzegovina showing what advice they have given to the Turkish authorities of those Provinces with reference to the insurgents; and, if so, whether he will lay them at once upon the Table of the House?

MR. BOURKE: Sir, there are several despatches at the Foreign Office from Her Majesty's Consuls in Bosnia and Herzegovina on the subject of the Question of the hon. Member, and in one of them, dated the 6th of June, Mr. Freeman states that the expedition against the insurgents on the Austro-Croatian frontier had proved unsuccessful, and that the Austrian Government were bound to establish small military posts in the district. The Papers to be presented on the subject are now being prepared.

**POST OFFICE SUNDAY DUTY—
SHEFFIELD, &c.—QUESTION.**

MR. MUNDELLA asked the Postmaster General, If he will arrange to

Mr. A. Mills

extend to the Post Office officials of Sheffield and other large towns the same relief from Sunday duty which he has already granted to the postmen of Birmingham?

LORD JOHN MANNERS, in reply, said, it was impossible to answer such a Question off-hand. He was quite willing to give the privilege asked for, but a local inquiry must in each case be instituted; and as some additional expense would be incurred, it would be desirable that the local authority—which in the case of Sheffield would be the Town Council—should first move in the matter.

**TURKEY—ALLEGED OUTRAGES IN
ARMENIA.—QUESTION.**

MR. H. B. SAMUELSON asked the Under Secretary of State for Foreign Affairs, Whether Reports have been received from any British Consul in Asia Minor of outrages alleged to have been committed by regular or irregular troops in the Turkish service upon Christian villagers in Armenia; and, if so, whether he will lay those Reports upon the Table of the House before the Recess?

MR. BOURKE: Sir, in answer to the Question of the hon. Member, I have to state that our Consul at Erzeroum has reported many cases of disorderly conduct on the part of the Turkish irregular cavalry; also we have heard that a band of Kurdish cavalry, who, it is believed, came from Persia, have committed ravages in the Pashalic of Van. Her Majesty's Representatives both at Constantinople and Teheran have been requested to inform the Governments to which they are accredited, that Her Majesty's Government hope they will take measures to prevent those outrages recurring. The Papers on the subject are being prepared, and will be presented to the House with the others.

**MERCANTILE MARINE — HOLYHEAD
HARBOUR—WRECK OF THE STEAM-
SHIP "EDITH."—QUESTION.**

MR. FRENCH asked the Secretary to the Board of Trade, If he can state why the contemplated attempt to raise the steamship "Edith," sunk in Holyhead Harbour since September 1875, has not been carried out; and, if he can inform the House what steps are now being

taken to remove this obstruction to navigation?

MR. E. STANHOPE, in reply, said, that the attempt to raise the wreck of the *Edith* was made on the 12th of July last, but it unfortunately failed in consequence of the insufficiency of the pumping power to clear the wreck of water. Pumps of greater power had been sent to Holyhead by the contractor, and it was hoped that the work would be satisfactorily resumed in the course of a few days.

LEGISLATURE OF BARBADOES.

QUESTION.

MR. PULESTON asked the Under Secretary of State for the Colonies, Whether it is in contemplation to call the Legislature of Barbadoes together at an early day; and, whether he can name the time and also give the reasons for the present delay?

MR. J. LOWTHER: Sir, in the absence of any apparent necessity for the immediate convocation of the Barbadoes Legislature, Lord Carnarvon thought it desirable to postpone the issue of the writs until he had had an opportunity of conferring personally with Captain Strahan, the Governor-in-Chief of the Windward Islands, who is at present in this country. Captain Strahan will be returning to Barbadoes, however, in the course of the autumn, when there will be ample time for the Legislature to be convened for the despatch of such business as it may be necessary to undertake before the close of the year.

CORONERS (IRELAND) BILL.

QUESTION.

MR. FRENCH asked the Chief Secretary for Ireland, If the Government have considered the question of the Coroners (Ireland) Bill, which was before this House in 1875; and, if so, whether it is their intention to introduce a Bill dealing with that subject either this or early next Session?

SIR MICHAEL HICKS-BEACH: Sir, I beg to inform the hon. Gentleman that we have considered the question, but I do not propose to introduce a Bill dealing with it this Session. I fear I cannot either give any promise with regard to the next Session.

RUSSIA AND TURKEY—THE WAR— SIR ARNOLD KEMBALL—DESPATCH OF TROOPS TO GALLIPOLI.

QUESTION.

MR. CALLAN asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have any information as to the truth of the statement in "Vanity Fair" of Saturday last, that

"The Russian General commanding the army of the Caucasus, now in Armenia, has set a price of 2,000 roubles on General Sir Arnold Kemball's head;"

and, also, whether, as stated in the "Daily Telegraph" of the 21st, Her Majesty's Government has determined to occupy Gallipoli, and that the troops for this purpose are to be despatched immediately?

MR. BOURKE: Sir, with regard to the first Question of the hon. Member, I have to state that Her Majesty's Government have no information as to whether there is any truth in the statement to which he has referred. In reference to the second, I understand the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington) is about to put a Question to my right hon. Friend the Chancellor of the Exchequer on the same subject; and therefore it is not necessary for me to answer the Question of the hon. Member.

HAMMERSMITH BRIDGE AND THE INTERNATIONAL REGATTA.

QUESTION.

MR. PULESTON asked the Secretary of State for the Home Department, Whether, in view of the forthcoming International Regatta, he will take some precautionary measures in reference to the Hammersmith Bridge?

MR. ASSHETON CROSS, in reply, said, that the owners must be held responsible for the safety of the bridge. They had been warned over and over again that the bridge would not bear a great crowd, and he hoped that the warning would be attended to, in view of the approaching regatta.

ARMY PROMOTION AND RETIREMENT.

QUESTIONS.

MR. TREVELYAN asked the Secretary of State for War, Whether the

Royal Warrant relating to Army Promotion and Retirement will involve a vote of money in the course of the present Session; and, whether, in consideration of the importance and extent of the subject, and the lateness of the Session, he will specify the day upon which the scheme will be submitted to the consideration of the House, and the opportunities which the Government propose to afford for the discussion of the details of the scheme, and the questions connected with it?

MR. GATHORNE HARDY: Sir, I hope that in a very short time I shall be able to place in the hand of hon. Members a Paper giving the details of this scheme. The hon. Member asks me whether it will involve a Vote of money. Yes, it will involve a Vote of money, and I hope I shall be able to bring it before the House on Monday or Tuesday next.

MR. TREVELYAN wished to know, Whether the Government would, if necessary, give several days for the discussion of the Royal Warrant?

MR. GATHORNE HARDY: The Government will, of course, give as much time as is necessary. I cannot say how many days the hon. Member requires, and therefore I can give him no pledge on the subject.

ARMY—AUXILIARY FORCES— DRUNKENNESS IN MILITIA REGI- MENTS.—QUESTION.

SIR JOSEPH BAILEY asked the Secretary of State for War, If he would state what is the amount annually derived from fines for drunkenness in militia regiments in Great Britain and Ireland; to what purpose the money is applied, and would there be any objection in future to allow officers in command of regiments to use this money which comes out of the pay of the men for purposes of recreation for the men under their command?

MR. GATHORNE HARDY, in reply, said, that it was intended to refer the question during the Recess to a Departmental Committee. There was a difficulty about it. The amount raised annually from that source varied very much. In 1870-1 the amount was £230, and in the six following years the amounts respectively were £584, £598, £627, £696, £789, and £676. The total amount now in hand was £4,204. With

Mr. Trevelyan

regard to the power of officers in command to distribute this money there seemed to be this difficulty—that according to what the hon. Member suggested in his Question, the most drunken regiments would get the most.

RUSSIA AND TURKEY—THE WAR— OCCUPATION OF GALLIPOLI QUESTION.

THE MARQUESS OF HARTINGTON: I wish, Sir, to ask Mr. Chancellor of the Exchequer, Whether he is able to give the House any information respecting a report which has been prevalent during the last two or three days that several transport ships have been prepared for service, and that a considerable number of troops are under orders for immediate embarkation? If so, I should like to ask the right hon. Gentleman, Whether he can state what is the destination of those troops, and whether he is able to give any information as to the objects with which they are despatched?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the rumours to which the noble Lord refers as having been current during the last few days are founded on this—that the Government thought it right, in the present unsettled state of the Mediterranean region, to raise the garrison of Malta to its full complement, and for that purpose a number of troops is about to be despatched for that destination. That is the sole answer I can give to the Question of the noble Lord.

MOTION.

PARLIAMENT—BUSINESS OF THE HOUSE.—RESOLUTION.

THE CHANCELLOR OF THE EXCHEQUER, in moving—

“That, for the remainder of the Session, Orders of the Day have precedence of Notices of Motion upon Tuesday, Government Orders having priority, and that Government Orders have priority upon Wednesday,”

said: Sir, I do not think it can be necessary, after the statement I made a few nights ago, to explain the grounds on which we make this proposal. The House is aware that there is a considerable amount of Business which still remains unfinished, and with regard to much of which it would be very inco-

venient to the public that it should not be carried through, and that it should not be completed whilst there is still a fair attendance of hon. Members in this House. I do not know that it is necessary to compare precisely year by year the particular dates when these proposals have been made to the House. There have been occasions when—two years ago, I think—Tuesdays were given to the Government as early as the 11th of July, and Wednesdays as early as the 21st of July. In 1875 Tuesdays and Wednesdays were given on the 27th of July; and last year not until the 7th of August. Therefore, one year is not altogether to be taken as a standard for comparison with another. But I hope that the proposal I have to submit to the House is one which will be acknowledged to be made for the general convenience, and that it is one which will be accepted by the House. The right hon. Gentleman concluded by moving the Resolution.

Motion made, and Question proposed,

"That, for the remainder of the Session, Orders of the Day have precedence of Notices of Motion upon Tuesday, Government Orders having priority; and that Government Orders have priority upon Wednesday."—(*Mr. Chancellor of the Exchequer.*)

MR. MONK, in moving an Amendment to omit the latter part of the Motion that gave priority to Government Orders on Wednesdays, said, no doubt the arguments of the right hon. Gentleman were unanswerable from a Government point of view; but, on the other hand, he must remind the House that the practice of taking Wednesdays was an innovation on the part of the present Government, and an interference with the rights of private Members which the latter ought to resist. During the preceding Parliament, when the Predecessors of the present Government were in Office, on no occasion, he believed, did the Government ask for Wednesdays in July, except in 1868 when the Prorogation took place in July. On the two occasions mentioned by the right hon. Gentleman when the Government moved for Wednesdays in July, the right hon. Gentleman stated the reasons why he asked for them, and why they were granted in 1874; while the Prime Minister moved that on Wednesday, the 15th of July, the Orders of the Day should be

postponed until after the Order for the second reading of the Public Worship Regulation Bill. That was considered a Bill of primary importance, and the Prime Minister stated at the time that he had no wish to interfere with the privileges of private Members, and that he made the Motion in consequence of the Bill having been introduced by a private Member, the Recorder for the City of London. In the year 1875 the Government asked the House to give Wednesday, the 28th of July, for Government Business, and the House did so, in order to proceed with the Agricultural Holdings Bill; but in that year the Estimates were much in arrear. No sufficient reason had been advanced for the proposal made by the right hon. Gentleman, nor was it justified by any special circumstance, as it was sought to be on the former occasions referred to. Wednesday was the only day on which private Members had the least chance of having their Bills considered, and it was hard that they should be deprived of that, their sole opportunity of submitting them to the House. That was the case with the hon. Member for Newcastle (Mr. Cowen), the hon. Member for Carlisle (Sir Wilfrid Lawson), and others. A private Member obtained his place by Ballot, and his lot might fall on a Wednesday in July. Why was he to be deprived of his privilege? It was by no means unimportant that the principle of a Bill should be discussed at the fag end of the Session, and a division taken upon its merits. The Government had no doubt met with obstruction in the course of the present Session, to which, however, he had been no party; and it was not right that, because of that obstruction, all private Members should lose their rights and privileges. He begged to move, as an Amendment, the omission of all the words of the Motion after the word "priority," in line 4.

MR. MELDON, in seconding the Amendment, said, he agreed with the hon. Gentleman who had just sat down that no special and exceptional cause having been shown for the Motion, it was not right to deprive private Members of their only opportunity of bringing forward the Motions for which—as in his own case—they had obtained days with considerable difficulty. He trusted that the Motion would not take

effect, at least so far as next Tuesday and Wednesday were concerned. He had looked through the records, and he found that the earliest day on which it was proposed to deprive private Members of their privileges was on the 27th of July. He must enter his protest against the course that the Government were going to adopt, for they had a whole list of measures which it was utterly impossible for the Government to carry. A Select Committee had just begun its operations with a Bill of over 200 clauses, which there was not the slightest idea of passing, and he protested that it was wrong to interfere with the rights of private Members in this way. It would be better to decide not to proceed with these measures at all.

Amendment proposed, to leave out all the words after the word "priority," in line 3, to the end of the Question.—*(Mr. Monk.)*

MR. BERESFORD HOPE said, he sympathized with his hon. Friend the Member for Gloucester, whose *Congé d'elire* Bill was about to receive its *congé d'elire* by the adoption of the Resolution. But he must explain that he was himself in a similar position, and was in even a worse plight, as his hon. Friend had had an opportunity of pushing his speech down to oppose the Bill, while he had been cut short by the Wednesday practice. He should, however, support the Motion. The matter was very clear, and he was almost sorry that the Chancellor of the Exchequer had given dates which convinced nobody. They knew how much profit they gained from the speeches of the hon. Member for Gloucester; but they had to choose between that profit and getting out of town at a reasonable time. He should vote for the getting out of town.

MR. PARNELL said, that the right hon. Gentleman the Chancellor of the Exchequer might more properly have asked the House for Tuesdays and Wednesdays for the rest of the Session, if he had previously announced all the Bills which he intended to proceed with. On the Notice Paper of that day there were 35 Government Orders. It could not be the intention of the Government to proceed with all these Government Orders, and have them finished during the rest

of the Session. The House, as he had said, therefore might reasonably expect that the Chancellor of the Exchequer, before asking for the Tuesdays and Wednesdays, would have announced his intention as to the Bills he intended to drop. The present deplorable state of Public Business was very much due to the apparent want of business-like aptitude, or conception, which had been evinced by Her Majesty's Government in the conduct of Business that Session. There were on the Paper that day no fewer than 17 Government Orders of the Day which had passed their second reading. There were a great many of the Government Orders of the Day which were not on the list which also had passed the second reading; and it was because Her Majesty's Government had insisted upon taking second readings of Bills that they never intended or hoped to pass that that deplorable state of Business arose. The time had been wasted in taking the second reading of these 17 Bills, when it might have been profitably occupied in pressing to completion certain useful measures for England, Scotland, and Ireland. Therefore he charged Her Majesty's Government with a very considerable amount of blame for the deplorable state of Public Business. If he turned to the question of Irish Business, he found that the neglect of Irish Business by the Government was most remarkable during that Session, with the exception of the Judicature Bill, which was not required or wanted by the people, and which was in no sense pressing. The Government had given exactly three-quarters of an hour of Government time to Irish measures; and, perhaps, he might include the Sunday Closing question, which was, however, more in the nature of a compromise than anything else. Then, Bills which were really required, and which it was important that Ireland should have, had been entirely neglected. For instance, the Irish Prisons Bill and the Scotch Prisons Bill had not been passed, and that would inflict a great injustice both on Irish and Scotch ratepayers. The Government had promised that the English, Irish, and Scotch Prisons Bills should pass *pari passu*, but they had entirely ignored the Irish and Scotch Prisons Bills. Then, there was the question of intermediate education in Ireland—a matter of the greatest importance, in which

Mr. Meldon

England had inflicted more than the usual amount of injustice to Ireland; it had not been taken up at all, although the right hon. Baronet the Chief Secretary for Ireland promised at the commencement of the Session to deal finally with it. They were put off with vague promises with reference to these and other Irish questions of vital importance. As to what the Government would do in future Sessions, if they got time to do it, from his experience and observations of the events of that Session he had been compelled to come to the conclusion that the House was utterly and entirely incapable of legislating for Ireland; and that if the House desired to legislate equally and justly for the Three Kingdoms, that it was utterly unable to do so, because it had not time to do so. He thought that Her Majesty's Government, instead of devoting their energies to depriving hon. Members of Tuesdays and Wednesdays at this period of the Session, had far better turn their attention to some measure as to legislating successfully, for certainly they could not expect the Irish people to go on much longer submitting to an entire deprivation of legislation. It was also very possible that by making alterations in some of the Rules of the House—for instance, by preventing hon. Members from speaking for more than half-an-hour or so, or more than a certain number of times, and by diminishing the time-honoured privileges of minorities—it was possible that a small amount of more Business might be done in the future Sessions than had been done that Session. At the same time, he did not think that such results would be commensurate with the sacrifice of private Members, and after those Members had given up all their privileges, and been subjected to restriction and coercion, it would still be found that no good had been done. Therefore, he would advise Her Majesty's Government to direct their attention to the problem, whether it would not better for them to consider the question of self-government for the Three Kingdoms, whether they called it by the name of local self-government, or national self-government?

MR. FORSYTH rose to Order. Was the hon. Member in Order in speaking of Home Rule?

MR. SPEAKER said, that the question of local self-government was not under

notice, and therefore he must call on the hon. Member for Meath to confine himself to the question before the House.

MR. PARNELL said, he certainly did not desire to go into the question of Home Rule, or the government of the Three Kingdoms, but merely wished to say with regard to the breaking up of the legislative functions of that House, that was a matter which would have to be considered, and that the distributing of these functions among smaller bodies was a question worthy of their attention, instead of endeavouring by futile means to meet the difficulties in which they found themselves—difficulties which would be very much increased next Session.

MR. WHALLEY objected strongly to the proposal of the Government. Undoubtedly the course adopted in the management of Public Business, brought to a crisis by the present Government, did tend to promote the relieving of the House from a burden which it could not well discharge. It was a deliberate attempt to "burke" the Business of the House, and to frustrate the freedom of speech during the Session. The Session would be remarkable for having wasted its time in passing measures which were not asked for by any important section of the community, and for the House curtailing the privileges of minorities in various ways by hon. Members rising to Order and by count-outs. Then, the Speaker and the Chairman of Committees had a veto, and would not allow hon. Members to go on if, in their view, they were not speaking to the point; but with his own limited ability, in some cases he found it absolutely impossible to adapt his statements and arguments in accordance with the views of any other person whatsoever. Her Majesty's Government also had by all means, direct and indirect, endeavoured to prevent independent Members obtaining full and fair discussion of questions which they deemed it necessary to bring forward. He, for instance, had on three occasions brought forward the question of *The Priest in Absolution*, and on each occasion he had been counted-out. He thought such a course was unworthy of an Assembly that prided itself on being the first in the world, and composed only of Gentlemen of honour, truth, candour, and sincerity. If he had again to go through the same ordeal, without

even the poor reward of a fair discussion of questions which he brought forward, he should either throw up his seat or hold it in abeyance, rather than act as a sort of screen behind which the Government could carry on the Business of the country in an irregular manner. He did hope the House would concede something to the remarks of the hon. Member for Meath.

SIR JOHN LUBBOCK said, he had listened to the remarks of the hon. Member for the University of Cambridge (Mr. Beresford Hope), and it did not appear to him that he had successfully met the arguments brought forward by the hon. Member for Gloucester (Mr. Monk). The hon. Member had referred to one Bill, but there was another Bill in which he was interested; three times it had passed the second reading, but the hon. Member never succeeded in getting it further. He did not consider there were sufficient reasons for the course the Government had taken. It would be better if the Government would abandon those of their Bills which were in a backward state, instead of asking private Members to give up their rights. If the hon. Member for Gloucester went to a division he would support him.

MR. J. COWEN said, he believed he was the Member who had most right to complain of the Government, as his Bill for extending the jurisdiction of County Courts was the First Order of the Day on Wednesday, and under ordinary circumstances, but for the Resolution before the House, he would certainly have obtained a hearing. The Motion of his hon. and learned Friend the Member for Kildare (Mr. Meldon), respecting the dismissal by the Irish Church Commissioners of their solicitor, would have come on to-morrow night at an Evening Sitting, and might have been counted out; and the Bill of the hon. Gentleman the Member for Gloucester (Mr. Monk), being behind his own on Wednesday, had little chance of being heard. He realized the situation, and saw there was no alternative but to accept the inevitable. He had taken a great deal of trouble about the Bill under his charge, and he thought he could have made a statement that would have shown a distinct grievance, and pointed out a practical means for its solution. He had been extremely unfortunate that Session, as four or five measures in which he was

specially interested had either been withdrawn, or had obtained such a bad place in the Ballot that there was no opportunity of their being heard. The House would see, therefore, that it was reasonable for him to regret the loss of the chance that Wednesday offered him for putting before the country propositions which he was bold enough to think were worthy of consideration. That, however, was simply the personal aspect of the question. The thing that concerned him was, that the Bill he had introduced had received the sanction and the warm support of several influential commercial bodies, and he was more anxious in respect to the disappointment they would feel than he was for himself. He could understand the position of affairs in the House, when persons outside could not fully appreciate the difficulties that beset the course of legislation in that Assembly. It had been customary in all legal reforms to hand them over to the direction of Gentlemen connected with the law. They had the technical knowledge for such discussion, but they were apt to view reforms from a narrow and professional aspect. He was desirous of placing before Parliament a scheme of law reform from the standpoint of a commercial man and a trader. He hoped, however, that, although disappointed this year, he would next Session be more fortunate. The hon. Members who had preceded him had blamed the Ministry exclusively for the position of Public Business. This was scarcely fair. The House was as much to blame as the Government, and the system even more so. All Governments were necessarily and largely trammelled by the forms of the Legislature. He knew of no question pressing more for settlement than the mode of transacting national Business. Hon. Members did not seem sufficiently to realize the fact that the work of the House and its character had changed, and was changing. The machinery they had at their command, on the other hand, was stationary. A few years ago the work of Parliament was practically limited to three things—the mode of levying and expending the national Revenue, the regulation of our intercourse with foreign countries, and the occasional discussion of great Constitutional questions. Now, the sphere of legislation had been widened, and it extended over a vastly more comprehen-

sive area. Legislation now descended into all the ramifications of commercial, of social, and even of domestic life. They had covered the country with a whole army of Inspectors, they had taken under their supervision—if not under their direction—the business of shipping, of mining, and of ordinary manufacturing. They had opened out the great work of sanitary control and arrangement, and a comparatively new but still complicated educational machinery. All this was the work of the last 30 or 40 years. These new laws necessarily begot new Departments of the Public Service and enlarged administrative labours. He believed he would be understating the fact when he said that the work of the administrative Departments of the State had quadrupled within this last quarter-of-a-century. Increased administrative work meant increased legislative work. That of itself accounted for the augmentation in the number and character of the measures that every Session came before the House. In addition to that, they had more speaking than they formerly had. It was customary 20 years ago for 80 or 90 Members of the House to speak in a Session. Now, between 300 and 400 out of the 656 took more or less part in the debates. He did not know whether their increased loquacity had produced an increase of wisdom, but certainly it occupied a larger measure of their attention. While they had more talk, they had no more time at their disposal. The House could not really sit more than six months in the year. Hon. Members required time to attend to their private affairs. They could not always live in London. They stood in need, too, of some relaxation, and it was necessary for the Ministry to have the Recess for the preparation of their measures. The facts, therefore, were these—That they had more work, more talk, and no more time. Parliament was a few years ago a large aristocratic debating society. It was now a huge vestry or town council. Its regulations and rules were drawn for a different Assembly from what it now was. They should recognize these facts, and attempt to alter their mode of procedure to meet them. He was only a young Member of the House, and he did not presume to advise in such a delicate question; but it struck him that a good

deal of the labour that was thrown on Parliament might be relegated to other bodies in the country, and that the work might be distributed or subdivided. He was opposed to any interference with the rights and privileges of minorities, or with the ordinary rules of debate. They had been the growth of centuries, and they contained the condensed and combined wisdom of many Parliaments. It would be dangerous in the interests of liberty to interfere with them; but he still thought that, while retaining them, the labours of the Legislature might be lessened by such a re-division as he had suggested. That was scarcely, perhaps, the time for an elaborate consideration of the question. It would come up on another occasion, and any lengthened discussion at that moment would only be augmenting the evil they were all complaining of. He contented himself, therefore, with saying that while he regretted that the state of Public Business rendered it necessary, yet as no alternative was offered, he felt bound, after this protest, to acquiesce in the proposition of the Leader of the House.

THE CHANCELLOR OF THE EXCHEQUER thanked the hon. Member for Newcastle (Mr. Cowen) for the spirit in which he had addressed the House; and he might say that that was not the first time in the course of his Parliamentary career that the House had seen reason to feel that the presence of the hon. Member was a decided acquisition, and a great advantage to it. He must also acknowledge the great forbearance both the hon. Member and the hon. and learned Member for Kildare (Mr. Meldon) with others had shown, and the assistance which they had rendered in carrying on the Business of the House under difficulties; and they had frequently, as on the present occasion, given way in a manner which showed their desire to meet the convenience of the House. He could assure the hon. Members for Gloucester (Mr. Monk) and for Maidstone (Sir John Lubbock) that it was with great regret the Government had felt themselves compelled to make the proposition which was now under discussion; but there was a good deal of important Business which still remained to be done, and which they were afraid could not be properly transacted if that proposition were not adopted. For instance, the hon. Member for the

Border Burghs (Mr. Trevelyan) had given Notice of his intention to raise a discussion on the Army Warrant question, which was one of much importance; and there were the South African Bill, the Irish and Scotch Prisons Bills, the County Courts Bill, and one or two other measures which were pressing for decision, and which he believed the Government might get through if assisted by the kindness and business-like powers of hon. Members of that House. It was not from any desire to put aside Business which had been brought forward by private Members, as they were called, that this proposal had been made; but from the real conviction that there was no other way of getting through the public Business which still remained to be transacted. He hoped, under these circumstances, that the hon. Member for Gloucester would not put the House to the trouble of dividing.

MR. MONK said, that after what had just been stated by the Chancellor of the Exchequer, he would have much pleasure in withdrawing his Amendment.

MR. WHITBREAD said, he would consent to the proposition made by the right hon. Gentleman, although he did not see any solid reason was given for bringing it forward at that time of the year. It would be better, as a way out of the difficulty arising from the press of Business, that Bills should be taken up each Session at the stage in which they had been dropped in the previous Session.

MR. O'DONNELL said, he had not been moved by the speech of the right hon. Gentleman the Chancellor of the Exchequer, in which he had expressed his regret at being obliged to interfere with the convenience of private Members, for these expressions were becoming a stereotyped form of the House. Every year the Leader of the House uttered the same expressions of regret for the sacrifices hon. Members had to make in losing their Bills and all the result of their matured deliberation. [*Interruption.*] He must protest against the continued conversation carried on in a loud tone; and he would suggest that the conversationalists would suit their own convenience and that of hon. Members who took an interest in the Business of the House by retiring to the Smoking Room, or some other place

where the noise of their conversation would not—by disconcerting a novice like himself—put him to the trouble of unnecessary repetition in his remarks. On looking over the list of Bills put down for Wednesday, he was surprised at the proposition made by the Chancellor of the Exchequer. Such a Bill as the Ancient Monuments Bill, he should have thought, would have received some consideration at the hands of a traditional and historical Party. With all the respect the Chancellor of the Exchequer professed for the rights of private Members, and the weight of public opinion, he was surprised that a Bill which had been brought forward again and again, and which was supported by the cultivated opinion of the country, should be so summarily dismissed. Then, again, a Government anxious to get credit for philanthropy should give consideration to a Bill dealing with the education of our helpless fellow-subjects—the deaf, blind, and mute. The Government might have given more facility for these measures than for that upon which they seemed to have set their heart, the confirmation of an act of public perfidy—the annexation of an independent Republic in South Africa. This demand upon Wednesdays was part of that general neglect and studied depreciation with which the Bills of private Members were treated; and this neglect reached its maximum when Irish private Members were concerned. For his own part, he would have been delighted to afford facilities for the discussion of measures brought in by the right hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach), if more attention had been paid to the proposals made by the real Chief Secretary for Ireland (the hon. and learned Member for Limerick). But the Government, anxious for the progress of Business, had contributed to the rejection of every Irish measure brought in which embodied the requirements and satisfied the wishes of the Irish people. The hon. Member was proceeding to discuss some of these Bills when—

MR. SPEAKER reminded him he was not entitled to discuss the merits of Bills.

MR. O'DONNELL said, he would not enter into the merits of the Bills; but he condemned the Government for sacrificing several useful Bills in favour of

The Chancellor of the Exchequer

such a scandalous measure as the South African Bill. ["Order, order!"]

MR. GOLDSMID rose to Order. Was the hon. Member in Order in referring to the Bill as a "scandalous measure?"

MR. SPEAKER: I have already informed the hon. Member that he is not entitled to discuss the merits of the Bills, and I must request him to confine his remarks to the question before the House.

MR. O'DONNELL resumed, amid continued interruption, and said, he would not refer to the Bill again; but if when the Bill came on for discussion, he used stronger expressions, he would be prepared to justify them. He should be always happy to meet the convenience of Her Majesty's Government, if the Government would enter into some sort of engagement to meet the convenience of hon. Members on that side of the House, but he did not believe in being called upon to indulge in this system of unreciprocated beneficence. Year after year the Government spoke smoothly, and were most prolific of promises, but it was the "same old game" year after year, and all business except that of the Government was sacrificed. There was more and more a tendency to make that House a mere registration machine of the foregone conclusions of the Government. He asked what guarantee had they that there would be any improvement; and that next Session the right hon. Gentleman—unless he was translated to a higher place—would not come down again to the House and ask it to assist the Government out of their perennial scrape? There was not the slightest indication of any intention to amend. The Government were fairly responsible for wasting the time of the House. Night after night the dinner hours were spent in what was called keeping the ball rolling—a proceeding all very well in the good old times when the House of Commons was said to be the best club in London ["Question!"], but that was a reputation that would scarcely suffice for a great legislative Assembly of the present, for they had come to another time of day when the House of Commons must not only be the best club in London, but must seek to be the best office and workshop in London—

MR. C. B. DENISON rose to Order. He wished to know whether the hon. Gentleman was confining himself, in ac-

cordance with the previous ruling from the Chair, to the question before the House?

MR. SPEAKER: I cannot say that the hon. Member is out of Order; but I certainly think he is trying very severely the forbearance of the House.

MR. O'DONNELL said, he thought some of his expressions had been misunderstood. He was merely endeavouring to show that the Government were not entitled to forbearance, particularly as they had given no promise that there would be the slightest amendment in their conduct for the future, or that they would cease to inflict on the House useless and irritating discussions. It would be easy to give instances in which Members of the Government had used expressions calculated to wound in the deepest sense the most sacred convictions of Members of the House. He would say no more; but for his own part, he should deem it to be his duty to continue to subject these measures to as calm, as independent, and as deliberate criticism as if hon. Members were not in a hurry to repair to the shooting grounds throughout the country.

MR. CHAPLIN: Sir, I think the scene just presented to the House is one of the most painful, and I may say, degrading, to its character that I ever witnessed, while the modest and self-constituted champion of private Members who has just sat down made the remarks we have just listened to. I do not rise to appeal to the feelings of the hon. Member, or of those who act with him; but I think I am entitled to say that as you, Sir, have appealed to his forbearance without effect, the scene we have just witnessed shows how stubborn and insensible he and others have been to the feeling by which, generally speaking, hon. Gentlemen in this House are governed.

MR. PARNELL: I rise to Order, Sir. [*Cries of "Spoke!"*] I wish to know, whether the hon. Member who has just spoken is entitled to say that we have exhibited an utter absence and shown an utter insensibility to the feelings of Gentlemen? I have to call upon the hon. Member to withdraw the words, which he should not have dared to have used either to me or to any hon. Member of the House of Commons.

MR. SPEAKER: If the hon. Member for Mid-Lincolnshire by any expression

of which he made use intended to imply that any hon. Member of this House was not actuated by the feelings of a Gentleman that expression should be withdrawn. I did not, however, gather that such was his meaning.

MR. CHAPLIN: Sir, the words I used or intended to use were those, that we have repeated instances of—[*Cries of "Withdraw" and "Order!"*—perhaps hon. Members will allow me to state to the House what words I did use, and then it will be for the House to say whether they are in accordance with the language prevalent amongst Gentlemen in the House or not. The words, Sir, I used, or intended to use on this occasion, were—"We have repeated instances of the stubborn insensibility of certain hon. Members of that side of the House, and the sentiments by which Gentlemen in this House have hitherto been almost invariably actuated." [*Loud cheers.*] I believe, Sir, that I am right in saying that the House thoroughly endorsed that opinion. Sir, the course which has been adopted has been one of something more than obstruction. It has been a course of attempted dictation to this House. Sir, the patience of this House is great, and its long suffering is well known; but I will venture, Sir, having been in this House some little time longer than the hon. Member for Dungarvan, to give him some warning as to the feeling likely to be engendered in the course of any hon. Member of the House who attempts to bully the House of Commons. In that event, the House of Commons knows how to protect itself against being bullied.

MR. O'DONNELL rose to Order.

MR. SPEAKER: The hon. Member for Mid-Lincolnshire is in possession of the House, and entitled to continue his speech until he has concluded it. If, at its conclusion, the hon. Member for Dungarvan thinks he has been misrepresented no doubt the House will listen to any explanation.

MR. CHAPLIN: I was only going to say, Sir, that those hon. Gentlemen may rest assured, if they persist in a course which outrages the general sentiment and feelings of this House that ere long swift retribution will await them, and they will regret what they have done.

MR. O'CONNOR POWER: Mr. Speaker, I am sure it will be impossible

for me, in view of the frequency with which I have felt it my duty to act with hon. Members who have been subjected to the censure of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), to remain silent. Now, I quite concur in your statement that the hon. Member for Dungarvan (Mr. O'Donnell) severely tested the forbearance of this House; but that arose from the fact that the majority of this House entertain opinions in regard to our country that are in direct conflict with the opinions entertained by the hon. Member for Dungarvan, and if he has tested the forbearance of the House of Commons, I wish to tell the hon. Member for Mid-Lincolnshire that the Party of which he boasts himself to be a Member has for centuries tested the forbearance of the Irish nation, more particularly within the last four Sessions of the present Parliament, and the hon. Member for Mid-Lincolnshire, prominent amongst the number, has used his power in this House for the purpose of thwarting and disregarding the wishes of the Irish nation. When private Members are called upon at a certain stage in the Session to withdraw measures, or to concede days for the convenience of the Government, it appears to me very fit proper action to call attention to these important facts. We are told we are sent here by the majority of the electors and non-electors of Ireland, and that we have proposed measures which are in conflict with gentlemanly feeling, and that for that reason we have not succeeded in gaining the magnificent approval of the hon. Member for Mid-Lincolnshire. This discussion has given rise to very important considerations not touched upon by the hon. Member, to which I shall now refer. The hon. Member for Bedford (Mr. Whitbread), whose opinion receives great consideration in this House, suggested that during the Recess, in view of the inconvenience which arises at this time, the Government should consider the propriety of fixing a Rule whereby Bills might be taken up at the stage at which they were dropped in the preceding Session. I wish to point out that the adoption of such a Rule would be attended with very great inconvenience. Cases have occurred in which the second reading of a Bill has been carried without correct information, and it would be a mistake to

Mr. Speaker

proceed with legislation on the assumption that the vote of the House in the previous Session was the result of ample consideration. We are asked now, by the Motion before the House, to sacrifice the Tuesdays and Wednesdays, and if that is done, without an emphatic protest, we shall witness the same thing year after year. At the beginning of the Session important measures are announced in the Queen's Speech, and at the close of the Session the Government are obliged to acknowledge their inability to pass them. The Obstructive Party will be made the scapegoat this Session, but some other Party may be made the scapegoat another time. They had lately seen that the right hon. Member for Greenwich, and those who agreed with him on Eastern affairs, were stigmatized as an unscrupulous and unpatriotic faction, therefore the Government would see that they could not make a few Irish Members the scapegoat for the inefficiency of the system if they took no steps to substitute one more efficient.

THE O'DONOGHUE: I will rise, Sir, as an Irish Member, to repudiate the attempt made by the hon. Member who has just spoken (Mr. O'Connor Power), and the hon. Member for Meath, and a few hon. Members below the Gangway, to speak on the part of the Irish people. Certainly, with every word that fell from the hon. Member for Mid-Lincolnshire (Mr. Chaplin) I cordially concur. But what I have particularly to refer to is this—the adroit attempt by the hon. Gentleman who has just spoken to lead the House and the country to believe that his conduct and the conduct of a little party of Irish Members meets only with the disapproval of English Members on both sides of the House. Sir, their conduct has been repudiated by the mass of the Irish Party, and I wish to point out that that conduct has been reprobated, I may say denounced, by one who has been recognized as the Leader of the Irish people, the hon. and learned Member for Limerick.

MR. GRAY here rose, but gave way to

THE CHANCELLOR OF THE EXCHEQUER, who said: I would earnestly request the House to consider for a moment what the position is. Do let us come to a decision on the question at once. There really has been language

held in the course of the last half-hour which I think all persons on consideration will feel is language which is not becoming the dignity of the House of Commons, and I do trust that we shall be allowed to proceed to a decision on the Motion which has been submitted to the consideration of the House in a manner which is consistent with ordinary habits of Members of Parliament, and that we shall endeavour to decide upon the question, which, after all, is submitted not for the convenience, as supposed, of the Government, but for the general convenience of the House.

MR. GRAY: I merely rise to say that it is with a feeling of pain and humiliation I heard the speech of the hon. Member for Tralee (the O'Donoghue). I felt humiliated as a Member of this House, and as an Irishman, that any hon. Member of this House should have been found to stand up in his place and endorse the language of the hon. Gentleman the Member for Mid-Lincolnshire (Mr. Chaplin). You have decided, Sir, that the hon. Member for Dungarvan was within his right in taking the course he did. The hon. Member for Mid-Lincolnshire may be an admirable judge of what becomes a Gentleman; but I submit that you are the judge of what becomes a Member of this House. I am not disposed to yield to the judgment of the hon. Member for Mid-Lincolnshire, either as to what becomes a Gentleman, or an hon. Member of this House. I deny that the hon. Member for Tralee, in endorsing the language of the hon. Member for Mid-Lincolnshire, represents any Party or person either in or out of the House but himself; and I hold that the language and conduct of any hon. Member on this side of the House to-day bears favourable comparison with the hon. Member that of for Mid-Lincolnshire.

MR. O'DONNELL asked permission to say a word. [*Cries of "No!"*]

MR. SPEAKER: If the hon. Member for Dungarvan thinks he has been misrepresented by the hon. Member for Mid-Lincolnshire he is entitled to make a personal explanation. He is not entitled to make a second speech on the question before the House.

MR. O'DONNELL said he was willing to put the best construction on the language of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), and that he

did not feel called upon either to make any explanation, or to demand one.

MR. CALLAN said, that although he felt strongly on Irish questions, he had studiously avoided voting with what was called the Obstructive Party in that House, and that he wholly disapproved the policy they had pursued on Friday, Saturday, and that day. He felt, however, that he would be humiliated if he did not rise to express his reprobation of the language of the hon. Member for Mid-Lincolnshire (Mr. Chaplin)—language which the Forms of the House did not permit him to stigmatize properly. As the junior Member for Tipperary (Mr. Gray) had said, the hon. Member for Mid-Lincolnshire might consider himself a fit judge of what was gentlemanly conduct; but with all due respect to him, he (Mr. Callan) must say, although he had hitherto always looked upon the hon. Gentleman as a manly and courageous man, he could not hereafter lay claim to manliness, straightforwardness, or courage. The hon. Member should ere this have withdrawn—— [“Oh, oh!”]

MR. SPEAKER: I must remind the hon. Member that it is not proper to impute want of straightforwardness or courage to any hon. Member.

MR. CALLAN said, he would impute neither courage, nor its reverse to the hon. Member. He would not offer any opinion at all. But the hon. Member for Mid-Lincolnshire had charged a Party there with conduct unbecoming Gentlemen, and he should be called upon to withdraw.

MR. SPEAKER: I must tell the hon. Member that if the hon. Member for Mid-Lincolnshire had used the language which he imputes to him, it would have been my duty to have interposed at the time, and, having been appealed to, I did interpose.

MR. CHAPLIN: It may save the hon. Member some trouble if I say that I did not use the language attributed to me.

MR. CALLAN said, he was very glad to learn that the hon. Member did not; but he did make use of language to which the attention of the Chair was not directed, and which, in his (Mr. Callan's) opinion, was unbecoming a Member of that House. He used the word “bully.” Well, it seemed to him that the hon. Member's manner towards hon. Members on that side of the House

partook far more of the character of bullying than either that of the hon. Members for Meath or Dungarvan.

The Question, “That the said Amendment be withdrawn” being challenged.

Question put, “That the words proposed to be left out stand part of the Question.”

The House *divided*:—Ayes 386; Noes 15: Majority 371.—(Div. List, No. 244.)

Main Question put.

The House *divided*:—Ayes 321; Noes 13: Majority 308.—(Div. List, No. 245.)

Resolved, That, for the remainder of the Session, Orders of the Day have precedence of Notices of Motion upon Tuesday, Government Orders having priority; and that Government Orders have priority upon Wednesday.

CONTROLLER OF THE STATIONERY OFFICE—APPOINTMENT OF MR. T. D. PIGOTT.—RESCINDING OF RESOLUTION, 16TH JULY.

Motion made, and Question proposed, “That the Orders of the Day be postponed until after the Notice of Motion relating to the appointment to the office of Controller of the Stationery Office.”—(Mr. Chancellor of the Exchequer.)

MR. GOLDSMID thought some explanation ought to be given of this Motion. He saw no reason, because certain information had not been given to a Minister of the Crown who was called upon to reply to a certain Motion, that the usual course of procedure should be departed from. The House of Commons had been misled through not receiving that information, and some substantial explanation ought to be vouchsafed for proceeding with this Motion in order to whitewash the course they had taken respecting an exercise of patronage by the Prime Minister. In his opinion it would be much better to leave the matter alone, and proceed with the Business which legitimately came before them. At all events, he, for one, should object to the Motion.

MR. RYLANDS agreed with his hon. Friend the Member for Rochester. He had seen the difficulties of the Government from the pressure of Business that Session, so much so that he had been voting with them, and therefore he thought they should not waste the time of the House in discussing a trumpery

Motion like that, for which there was no justification. The subject had been brought before the House; a reply had been made in "another place," and he thought it was not desirable that they should again occupy several hours on the matter.

THE CHANCELLOR OF THE EXCHEQUER said, the reason for the Motion was stated by himself in the House on Friday last. The House had placed on its Journals last week a Resolution of a very marked character, being a censure upon the Government, and especially upon the Prime Minister, in respect of a certain appointment. He presumed there could hardly be found an instance in which such a Resolution as that had been adopted and not acted upon. But the Prime Minister, with the full consent and approval of his Colleagues, thought it was a case in which he ought not to accept the resignation of the gentleman whose appointment was thus censured. That being the case, the House was in this position—it had a Resolution on its Votes of a serious and important character upon which no action had been taken, and which was apparently set aside by the Government. He (the Chancellor of the Exchequer) thought it right to state these matters to the House, and it certainly appeared to him to be right and due to the Government and the House itself, that there should be an opportunity given to the House of expressing their satisfaction or, as it might be, dissatisfaction with the course which the Government and the Prime Minister had taken with respect to the Resolution of the 16th of July. He would not enter upon the question itself, or how the Resolution came to be passed; that he stated upon Friday last, and it would not be desirable to enter upon it at greater length now. But the House would feel, not only in reference to the Prime Minister, considering his position in this country—and his position ought not to be indifferent to the House—but also with reference to the position of the House itself, it was impossible that such a matter as this could be kept longer in abeyance. Therefore he thought, as the Motion was of an unusual character, as being made under unusual circumstances, the Orders of the Day should be postponed.

Question put, and agreed to.

Ordered, That the Orders of the Day be postponed until after the Notice of Motion relating to the appointment to the office of Controller of the Stationery Office.—(*Mr. Chancellor of the Exchequer.*)

On the Motion of Sir WALTER B. BARTELOT, Resolution [16th July] read as follows:—

Resolved, "That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State."

SIR WALTER B. BARTELOT rose to propose the following Motion:—

"That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution."

The hon. and gallant Baronet said, he thought no apology would be needed from him for introducing the Motion. The remarks which had just been made by his right hon. Friend the Chancellor of the Exchequer had clearly shown to all those who had considered the question fairly, that some notice should be taken, or some Resolution should be passed by the House, particularly with regard to the action which had been taken by the Prime Minister with reference to the Resolution which was passed on the 16th of July, and he felt perfectly assured that in addressing the House on that rather difficult and grave subject he should have its kind attention in endeavouring to explain, as far as he was able, the reasons which had induced him to bring the Motion forward. In his opinion, that Resolution was passed on Monday last, mainly because certain statements were made which described the appointment to the Controllorship of the Stationery Department as a gross job. He believed if those statements had not been made and believed in, no adverse Resolution would have been carried by the House. A most important statement, however, had been made on Thursday, in "another place," to which he would not further refer than simply to say that many hon. Members

of this House were present and heard it, and he believed that many who had voted in the majority for the Resolution of the hon. Member for Hackney (Mr. Holms) had publicly and deliberately declared that their opinion had been changed by the statement then made. He thought he might venture to say that if his noble Friend had been sitting in that House as of yore, and had made that statement, instead of the Resolution being carried by a majority, there would have been a large majority in favour of the noble Lord and of the Government, and of the appointment. On Friday last his right hon. Friend the Chancellor of the Exchequer came down to the House and made a full and clear explanation of all the circumstances of the case, and with that characteristic frankness and truthfulness which always distinguished him, and which made him so respected in the House, he at once admitted that he had failed on Monday last to state all the circumstances bearing on the appointment, with which, as he said, he ought to have made himself acquainted. He (Sir Walter B. Barttelot) knew his right hon. Friend would forgive him when he said he believed that it was mainly due to that statement being made without sufficient explanation of all the circumstances that the Resolution was carried. He did not blame his right hon. Friend, for he did not see how he could have been prepared to make such an explanation, as he could not have expected an attack such as had been made by the hon. Member for Hackney, neither could he have come prepared to answer things which really had no foundation in fact. And though he was persuaded that his hon. Friend the Member for Hackney believed that what he stated was actually the fact, yet the statements so made were of that peculiar character that unless his right hon. Friend had gone into minute details with the Prime Minister, he could not have arrived at them. That being the case, he thought it would be right that the House should have an opportunity—and he thought he was not wrong in his opinion that it had a desire to have that opportunity—of re-considering and of stating distinctly, aye or no, whether it did or did not, believe that the Prime Minister had exercised a wise discretion in the appointment he had made. He would now turn to the hon. Member for Hackney and the Committee over which he

presided in 1873 and 1874. He (Sir Walter B. Barttelot) was a Member of that Committee, and he might appeal to his hon. Friend whether it had not endeavoured to sift to the bottom the difficult and delicate questions which were brought before it. The Committee sat for 36 days in the two Sessions, and examined 92 witnesses, and he must say a more fair and impartial Chairman never presided over a Committee. His hon. Friend endeavoured by every means in his power to extract what was useful from the witnesses, and to place it on record for the benefit of this House and the country. But he must say, before his hon. Friend, who had shown himself to be so careful a man, brought such a charge against the Government, and especially against the Prime Minister, he ought to the utmost of his ability to have sifted it to the very bottom. The statements had no doubt been fairly made; but he ventured to think that they ought never to have been made by any man in that House, unless he was sure they were absolutely correct. And now a word as to Mr. Greg, who had lately resigned the office of Controller of the Stationery Department. His hon. Friend knew very well that the whole of that gentleman's case was most carefully considered, and that in framing the Report certain expressions which were likely to give pain to Mr. Greg were objected to. Knowing the difficulties in the Department and the calls that were made upon it by the other Departments not responsible to it for any extravagance they indulged in, he was one of those who endeavoured to cut out anything that might wound the feelings of that gentleman, for he did not think it fair that anything should go forth to the public in the Report which might damage an old public servant. No one in that House would deny that a grave censure was passed on Her Majesty's Government, and especially on the Prime Minister, by the Resolution which the hon. Member for Hackney had carried. The first accusation contained in the Resolution was that this appointment damaged the usefulness of Select Committees. When his hon. Friend made that broad and bold statement, he did not go carefully into what had been done by the present Government, or consider whether alterations had or had not been made in the Department. His hon. Friend

Sir Walter B. Barttelot

said it was quite true that £45,000 had been saved in the Department during the last year, but that it was owing entirely to the peculiar knowledge of his hon. Friend the Secretary to the Treasury (Mr. W. H. Smith). Now, the Secretary to the Treasury, as everyone knew, was a man of great ability, and when he turned his attention to anything of that kind, and brought his practical knowledge to bear, there was no one who could do so much. But it was not his hon. Friend the Secretary to the Treasury who did that work; it was his hon. Friend the Member for North Lincolnshire (Mr. Winn), who was so often seen with lynx eye outside that door, which many Members about this time tried to evade and avoid. But in many instances his hon. Friend was too sharp for those persons, and in this instance also he was too sharp for those with whom he had to do, so he saved £45,000—indeed, he believed the amount saved, the etceteras included, would be found yet to be something like £65,000. When the Government had most carefully considered the Resolutions of the Select Committee in order to give them practical effect, he failed to see how it could damage the influence of Select Committees. Then it was said this appointment would diminish the interest and zeal of servants in the public Departments. But who was the first man who had attempted to diminish the interest and zeal of our public servants? His hon. Friend, who actually proposed not only to go outside the Stationery Office, but outside all the other offices of the State in order to find a man to put at the head of this Department. If such a proceeding were for the benefit of the Service, he should not say a word against it; but the question was, would it be so? In such a case it had been well said by the Prime Minister that the only person from outside that could be found would be "either one who had retired from business, or from whom business had retired." They all knew the kind of men who would come forward. And if such a man had been taken, it was not easy to see how that would add to the zeal and efficiency of the public servants of this country. Then it might be asked, why not take one from within the Department. Now, if there was one thing which his hon. Friend wished, it was that economy should be carried

out in the Office. But anyone of any experience must know how difficult it was, if a man, no matter how able, had been brought up in a particular school, to eradicate the principles in which he had been trained. Therefore, without saying anything against heads in the Office—in fact, they deserved the highest credit—it would have been unwise to place any men within it at its head. The Committee said the Office should have at its head a man of general intelligence and ability. The recommendations of the Committee were not disregarded, and the appointment of a particular person, as was mentioned by the hon. Member for Hackney, was not, and could not be, in accordance, as the hon. Gentleman said and believed, with the general interest of the country. The object and intention of the Report was that the most efficient and best man that could be found in the Service should be appointed to the office of Controller of the Stationery Department. When they had got an Office of that kind, where there were many departments, they required a man for its head who could bring together all the separate departments, and had power and will enough to control the whole. The Committee further recommended—

"That when a vacancy occurred, provision should be made for uniting the control of the Stationery department with the management of *The Gazette* by the appointment of a man possessing the requisite knowledge of stationery and printing."

He was bound to say the Committee did arrive at that conclusion, perhaps unanimously; but was there a man in the House or in the country who, looking at all the circumstances of this case, would say that the recommendation of that or any Committee, considering how these Committees were formed, should be treated as a direct order to the Prime Minister, who alone was responsible for appointments of this kind? Were they to say that a responsible Government, and especially the head of it, must take for their guidance all the recommendations of a Select Committee. He should like to know what answer the right hon. Gentlemen opposite would have made had such a doctrine been applied to them? Was this appointment well-considered or was it not? What was the course which was taken in regard to it by the Prime Minister? He had

heard it said that an appointment of this kind should have been given to the best man in the Civil Service. That was most certainly done. He had a letter stating the fact, and that the appointment was declined. It might be that the emolument was not so great as was wished, but the fact remained. The appointment was not made hastily, and it was offered to the best man that could be found? What took place after that? Six names, after very careful sifting, were placed before the Prime Minister. ["Name, name! By whom?"] Why should he say by whom? He said six names were placed before the Prime Minister. [Mr. MACDONALD: By whom? If the hon. Member for Stafford denied that, let him get up in his place and say so. He was not going to say by whom. Why should he? Things had come to a new pass if the hon. Member for Stafford considered himself entitled to know whom the Prime Minister was to consult on all occasions. Six names were placed before the Prime Minister—two were from the War Office, one from the Treasury, one from the Board of Trade, one from the Board of Works, and another from the Geological Survey. ["Name!"] He would not give their names. Naturally the Prime Minister had a great liking to the Treasury, and would feel disposed to appoint a Treasury man; but, after mature and due deliberation, he appointed Mr. Pigott as a fit and proper person to be at the head of the Stationery Department. That gentleman had for 17 years served his country to great advantage, and distinguished himself in the War Office and various other positions where he had been placed. Was that a job? He had been surprised to hear the hon. Member for Sheffield (Mr. Mundella) say it was a gross job, although he ventured to say he knew nothing of the circumstances of the case. He fired his shot; but, as usual, it fell very far short of the mark. The hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) had also called it a gross job. He recollected very well the statement made by that hon. and learned Member with regard to another so-called job—the appointment of the Official Referees. He got up in his place and defended that appointment; but now, careful and anxious as he was to get at what was absolutely right and true, he arrived at

the conclusion that this was a gross job without knowing the real facts of the case. The hon. Member for Hackney said in his statement that Mr. Pigott was the son of a former vicar of Hughenden, who was a great friend of Lord Beaconsfield.

MR. J. HOLMS: Perhaps the hon. and gallant Member will allow me to explain. I did not say that he was a son of a former vicar of Hughenden, a great friend of the Prime Minister, because I did not know that fact myself; but that he was simply a friend.

SIR WALTER B. BARTTELOT said, he was in the recollection of the House; but he thought the statement of the hon. Member was that the former vicar was a friend and political supporter of the Prime Minister. But it had been distinctly stated that Mr. Pigott's father voted against the Prime Minister when Mr. Disraeli stood for the county of Bucks. That was the absolute recollection of the Prime Minister, and it was confirmed by a statement made by one of the Pigott family. He was very anxious that on this point he should be clearly understood. Hon. Members could not always say who had and who had not voted for them. But the Prime Minister had done all he could do; he had sent down to where the records were usually kept, and endeavoured to ascertain whether or not the father of Mr. Pigott had voted against him; but he found all the records had been destroyed. [*Ironical cheers from the Opposition.*] What more could a man do? [*Renewed cheers.*] He was glad to hear those cheers, for they meant either that the statement was absolutely correct, or that the words of the Prime Minister were not true. In any case a man had a right to vote as he pleased, and it would be very unfair to condemn a man in high position for an appointment of the kind merely because a man might or might not have voted for him. What had been done was all that could be expected of a man in the Prime Minister's position. But very curiously a letter had been sent to him written by a cousin of this vicar of Hughenden, also a clergyman, 83 years of age, living now in Lancashire; but who lived at the time referred to in the county of Bucks. He stated that the relations between the vicar and the Prime Minister were by no means those which had been represented by the hon.

Sir Walter B. Barttelot

Member for Hackney. What did he say? He said that "some time after Mr. Disraeli came to his property I know the old parson and the new squire did not like each other at all." He thought that was pretty conclusive proof that the relations were not of that friendly character which had been pointed out by some hon. Gentlemen on the other side of the House. He hoped he had succeeded in showing that the recommendations of the Select Committee were not disregarded; that the appointment was honestly and conscientiously made after the most due, careful, and deliberate consideration; and that the person appointed would do credit to the position in which he was placed. He was told by a Friend sitting behind him that a clerk who had retired from the Public Service on a pension had said that if ever there was a man who deserved promotion it was Mr. Pigott, who had always been appealed to for counsel and advice when a difficulty arose in his own Department. From the Division List he observed that the occupants of the front bench opposite had voted for the Motion of Censure. He did not complain in the least of the speech made by the right hon. Gentleman the Member for Pontefract (Mr. Childers), with the information he had before him; but there was a Colleague of his, the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), whose illness he deeply regretted, who had been in the War Office and knew the worth of Mr. Pigott. When he remembered two appointments that were made by right hon. Gentlemen opposite in 1872 that were, perhaps, within the letter, though against the spirit, of an Act of Parliament — ["No, no!" "Yes, yes!" and "Question!"] — when he remembered how the right hon. Member for Greenwich, when he failed to carry the Abolition of Purchase in the Army, resorted to the Royal Prerogative — [*Crisis of "Question!"*] The hon. and learned Member for Oxford called "Question!"

SIR WILLIAM HARCOURT: Mr. Speaker, I will ask your decision upon the point. I wish to ask, whether it is competent on this question to discuss the subject of Army Purchase and the Royal Warrant?

MR. SPEAKER: The observations of the hon. and gallant Gentleman are not altogether out of Order; but, at the

same time, it seems to me that there is wandering from the subject.

SIR WALTER B. BARTTELOT said, he submitted absolutely to the decision of the Chair; but thought he was not wandering from the question in speaking of the responsibility of Ministers who had made such appointments when they voted against the Prime Minister in this matter. He was delighted when he read the remarks made in "another place," in a far more generous spirit, by those noble Peers who knew from experience the worth of Mr. Pigott, and one of whom (Lord Penzance) described him as most intelligent, while others used equally complimentary expressions. When any hon. Gentleman in that House used language which was considered too strong for Parliamentary usage he immediately retracted it; and was that House, as a Body which professed to be the first Assembly of Gentlemen in the world, going to act in a different spirit. They remembered what the Prime Minister was in that House; how for 25 years, under every difficulty that could be placed in his way, he had, with great advantage to the House, led the Conservative Party; how, when in a minority, he had gained the respect and esteem of all by his courtesy, and, when in a majority, by his consideration; of one thing he was sure, whatever might be the opinions of hon. Members, there was one thing they would never do, and that was to allow the Prime Minister to remain under a suspicion that was not justified. It was because he felt that the Vote of Censure passed upon the Prime Minister and the Government was not deserved that he moved the Resolution which stood in his name.

MR. J. R. YORKE, in seconding the Motion, said, it did appear last week that a formidable indictment had been laid against the Prime Minister, and it was suggested, by facts and inferences, that he had not only disregarded the decision of a Select Committee, but that he had been influenced by considerations of personal friendship in appointing to an important office a man without special qualifications. To the astonishment of many hon. Members on that side of the House, little or no defence appeared to be offered from the Treasury Bench. The right hon. Gentleman the Chancellor of the Exchequer simply said it was useful to introduce a fresh man into an

office, and the Secretary for War paid a general tribute to Mr. Pigott's worth in the War Office, and believed he would equally distinguish himself in the higher position to which he had been promoted. In those circumstances he (Mr. J. R. Yorke) and others felt that there were only two courses open to them—either to walk out of the House, or else to vote adversely to the Government. He had always a great dislike to the former course, for he felt that if you had heard a case stated, and had listened to the defence, it was your duty to give a verdict on the evidence, and it was moral cowardice to avoid doing so. He therefore took the extreme course of voting for a censure on the Minister at the head of the Government. A day or two afterwards the Prime Minister made a statement which put a totally different aspect upon the matter. Not only had the noble Lord considered the recommendations of the Select Committee, but he had made exhaustive efforts to give effect to them, and he found it impossible to do so. He had, further, consulted the heads of Departments, who supplied him with the names of six gentlemen competent to discharge the duties. The *gravamen* of the charge was that he had appointed not merely a personal friend, but the son of a political supporter; and, although no authentic records were producible to show whether Mr. Pigott did 30 years ago vote one way or the other, he was informed that Mr. Pigott was at the time engaged in litigation with the Prime Minister, while the Pigott family now believed he voted against the Prime Minister, and at any rate was not on speaking terms with him. The vote, however, was a matter of infinitesimal importance; the main fact was that at no period during the 30 years had there been any friendly relations between the family and the Prime Minister; it was not alleged that the son had done the Prime Minister any service; and there was not the shadow of a ground for the allegation that private interest had anything to do with the appointment. The Prime Minister's statement appeared to him so conclusive that he did not hesitate to second the Motion for a reversal of the Vote of the House. He did not consider the House was responsible for the Vote given the other evening, inasmuch as his, and many other hon. Members' votes constituting

it had been given under an entire misapprehension, arising from the fact that whether by the *insouciance* of the Prime Minister, or by a misplaced confidence in respect of his position in the House of Commons, the facts of the case had not been freely communicated to the Chancellor of the Exchequer, so that he was not in a position to meet the *gravamen* of the charge against him. The Treasury Bench were responsible for putting the House, and especially their more candid supporters on that (the Ministerial) side of the House, who had felt compelled to vote against them, in a false and difficult position. He comforted himself with the reflection that, although some unmerited pain must have been given to the Prime Minister and to the hon. Member for Mid-Kent (Sir William Hart Dyke), who discharged his duties so courteously, yet that the Vote of Censure would not be so unsatisfactory in its result. It would enable the Prime Minister to give a conspicuous refutation to the statement that he was from physical causes incapacitated from taking the part he had hitherto filled in defending his policy in one or the other House of Parliament. What would have happened if the eight Conservative Members had not voted as they had done? The Prime Minister would not have had the opportunity of giving his explanation, and this appointment would have gone down to all posterity as one of the great scandals of the Conservative Party, worthy to be paired with the Ewelme and Collier scandals, and would have been used to point the moral that neither Party was immaculate in these transactions. This Vote of the House, given upon such a knowledge as it had at the moment, would be a caution to every future Minister that no position, however lofty, and no position, however distinguished, would emancipate him from the duty of defending on its merits any appointment which he might make for the Public Service. More than this, he thought that what had happened would not be without a salutary effect upon the fortunes of the Conservative Party. He had heard it said that they were too apt to come down and give their brute votes at the dictation of a Minister. That was, no doubt, a frequent and constant allegation; but it could not be said again when the Conservative Party had carried by a majority

a vote which showed that it was not in the power of any Minister to carry the House of Commons in his pocket. If this incident had no other good effect, it would, at any rate, be the means of vindicating the independence of the Conservative Party, and would prove that such allegations were altogether without foundation. The hon. and learned Member for Oxford (Sir William Harcourt) had once made the bad joke that the Conservative Party were so much given to acting *en bloc*, that they might be regarded as the "blockheaded party." The Conservative Party on Monday in last week certainly did not vote *en bloc*, and showed that they could be as independent as hon. Members opposite. He trusted this incident would now shortly terminate. The Prime Minister's defence had been overwhelming and crushing, and he hoped the House of Commons would by an overwhelming majority, not only relieve the Prime Minister from any censure as to the course he had taken, but declare that practically he had no other alternative than to do as he had done.

Motion made, and Question proposed,

"That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution."—(Sir Walter B. Barttelot.)

MR. J. HOLMS said, he deemed it his duty to lose not a moment in rising after the Motion of his hon. and gallant Friend (Sir Walter Barttelot) had been proposed and seconded. His hon. and gallant Friend had submitted that Motion with great fairness, and he acknowledged the kind expression he had used with regard to himself in connection with the Committee of which his hon. and gallant Friend was a very valuable Member. The House must feel that they were in a very peculiar position. The Motion was nothing more nor less than the outcome of an explanation made "elsewhere" on Thursday last. The House was, in fact, invited to displace the statement of the Chancellor of the Exchequer made here on last Monday by the explanation of the Prime Minister last Thursday. It

would be his business to compare the statement with the explanation; but before he did so, he frankly accepted the opinion given by his hon. and gallant Friend when he said that a Member should be very careful of any statement he made in that House. A Member should make no statement unless he had good and sound foundation for it; but when a Member had information of that solid kind to convey, it was his business—it was his imperative duty—if he thought it for the good of the country, boldly and openly to state it in that House. On the other hand, it was equally the duty of a Government on all occasions to give the fullest, the most complete, and ample information in its power. If new light could be thrown upon any matter, it should be advanced; but when they were asked to accept one statement which displaced another, they were in a position which demanded very careful consideration. He thought that as plenty of time was given to prepare anything that could be urged in reference to the appointment in question—the Notice having been given on the 18th of June—the House was entitled to more information than it had received from the Government when the Motion was before the House. But he would show that the difficult and he thought humiliating position in which they were placed arose from the fact that there seemed to have been a great want of frank intercourse between Members of the Government. Before he compared the statement of Monday with the explanation of Thursday, he desired to give the House an instance of the want of that full information which Members of Her Majesty's Government seemed to have had. On Thursday, in "another place," when the Prime Minister commenced his explanation, he informed the House of that which was scarcely correct. The noble Lord said—

"The immediate question before us arose in this manner. There was about the time when the present Government was formed—now more than three years ago—one of the Departments of the State which was not deemed to be administered in a manner entirely satisfactory to the public. A Committee was appointed by the House of Commons to inquire into the general state and conduct of that Department."

Now, these words would lead one to believe that this Committee was appointed

for the sole purpose of inquiring into the condition of the Stationery Department, and had been appointed under the auspices of the present Government. The truth was that it was appointed at the commencement of 1873, when the late Government were in power.

MR. PERCY WYNDHAM rose to Order. Was it, he asked, competent to the hon. Member to quote from speeches made in the course of a debate in the other House, in replying to a speech made in this House?

THE CHANCELLOR OF THE EXCHEQUER said, that before the right hon. Gentleman answered that question, which referred no doubt to a very valuable Rule of the House which ought to be strictly enforced, he would remind his hon. Friend the Member for West Cumberland (Mr. Wyndham) that it was stated the other day, when Notice of the present Motion was given, that it was desirable as great latitude as possible should be afforded in its discussion. He was anxious to state that on behalf of his noble Friend, Lord Beaconsfield, because it would be unsatisfactory to him if, under a technical rule—however good and important it might be—any part of which the House should be in possession upon the question before it should be shut out.

MR. SPEAKER observed that, strictly speaking, having regard to the Rule to which reference had been made, the hon. Member was not in Order. The Resolution before the House, however, referred to further explanation, and reference to that explanation could not be avoided.

MR. J. HOLMS went on to say that the Committee in question was appointed for the purpose of inquiring into not one, but several Departments of State. It was re-appointed in 1874 to continue its work and make its Report, and it made its Report which took a wide survey of several Departments and not of one only. But he would come at once to what concerned himself—the personal part of the question. He had been asked to explain why he used certain words in that House, and that he would most frankly do. It was perfectly true that he stated as a fact that the gentleman in question who had been appointed to the post of Controller of the Stationery Department was a junior clerk in the War Office;

that he was one of a list of 101; that he was 69th on that list, and that he was receiving £300 or £400 a-year. But he said also that he was afraid there was something behind the appointment. Furthermore, he said it was understood that Mr. Pigott was the son of a late vicar of Hughenden, who, with his family, had rendered valuable services to the Prime Minister in the county of Buckingham, which he had so long and so creditably represented. What he intended to convey by this statement was that the Pigott family was one of considerable influence in the county. [*Murmurs.*] He (Mr. Holms) had no business to make any such statement unless he felt that it was well founded. But although it was rumoured in that House and out of it, and in all the newspapers, that Mr. Pigott was the son of the late vicar of Hughenden, and the Chancellor of the Exchequer, when the matter was brought forward, was quite prepared to accept the statement to that effect, he did not think that mere rumour would have been sufficient ground for a Member to make such a statement to the House. He entertained a higher opinion of the kind of information which was essential to the House in any case of this kind, and he took care that what he stated could be properly supported. He therefore obtained direct and authoritative information from Buckinghamshire on the subject only the other day. This information was contained in a letter dated the 7th of July, which stated that Mr. Pigott's father had been vicar of Hughenden, who had been dead for some years, that the family was an old family, that the eldest branch of the family now lived at so-and-so, that Mr. Pigott's eldest brother held the living of so-and-so, and that they were a family of very decided Conservatives. He appealed to the House whether they did not think that he did everything which was due to it to get information—that this Conservative family in Buckingham had rendered important service to the Prime Minister? But what was the reply of the Prime Minister to that information? It was that this was really a romance. He said that the father of Mr. Pigott was vicar of Hughenden some 30 years ago; that he left the county soon afterwards, and that one of the last political acts of the rev. gentleman was to register

his vote against him (the Prime Minister). But why did the noble Lord say nothing about the family which had existed so long in Buckinghamshire, which was still there, and had always been known as a Conservative family? His hon. and gallant Friend (Sir Walter Barttelot) had spoken of the vicar recording his vote against the Prime Minister, and had said that everything had been done with the view of making inquiry as to the registration of the vote, but that the register had been destroyed. Now, while he (Mr. Holms) admitted that statements made to that House ought to be made carefully, he thought, at the same time, the same care ought to be exercised in "another place." He held in his hand the poll-book for the district, and he must beg the House to give attention to this statement—that in 1847 there was no contest in that county; that in 1857 and 1859 there was no contest; that in 1863, 1865, and 1868 there was no contest; and that the only contest where Mr. Pigott's vote could possibly have been recorded against the Prime Minister was that of 1852. Referring to the register of 1852, he found, Register No. 1,526, the Rev. John Robert Pigott, of Hughenden, freeholder of house and land on the hill near the village. With respect to that reverend gentleman the records in the Crown Office contained no statement that the rev. gentleman had voted on either one side or the other. He should go on a little further with the question. On Monday night, when they had the reply of the Chancellor of the Exchequer, they had a very frank and distinct reply, and he must say that the defeat arose entirely from the Government's own statement. The right hon. Gentleman said that great stress had been laid on the fact that Mr. Pigott was the son of a former vicar at Hughenden, and the Chancellor of the Exchequer for himself did not deny it. He said that Lord Beaconsfield knew very little about Mr. Pigott personally, although that gentleman had often been brought under his notice as a rising man, and that the noble Lord had watched his career. On this statement of the Chancellor of the Exchequer one hon. Member after another began to feel that this did show that some interest was taken by the Prime Minister in Mr. Pigott, and there-

fore the Government need not be surprised that their own statement should have brought about their defeat. Hon. Members began to say to one another—"How fortunate for a young man entering the Civil Service to have a Prime Minister to watch his career." He appealed to the House, whether it was the statement which he (Mr. Holms) made, or the statement made on the part of the Government, that brought about their defeat? Lord Beaconsfield had said that he had no personal acquaintance with Mr. Pigott, and that he did not know him even by sight; whereas the Chancellor of the Exchequer stated that the noble Lord watched Mr. Pigott's career with great interest—a statement which certainly gave colour to the idea that family and political influences had brought about his promotion. He (Mr. Holms) did not care to dwell on the personal question; he was sorry that it was ever introduced, and he wished to pass on to what alone gave it importance—the national question, and to the consideration of the statement made on Monday night, and the explanation given on Thursday as to how the appointment was made. The gist of the recommendations of the Committee was simply this—that the Stationery Department demanded the supervision of someone possessing technical knowledge. Immediately on the Report being issued, the Treasury took that Department especially under its guidance, and the country was greatly indebted to the Treasury for the action it took in the matter. They effected last year a saving of some £40,000 or £45,000, with a prospective saving of from £20,000 to £25,000 more; and that justified the Committee so far in having pointed out that a change was essentially necessary with the view to obtaining more technical supervision. What he had wished to establish before and wished to establish now was, that for this the country was indebted to the Treasury and particularly to the Financial Secretary to that Department. He now came to the explanation made upon this point by the noble Lord in "another place" last Thursday. The noble Lord had changed the whole case. The noble Lord had made out that the country was not indebted to the Financial Secretary at all for the reductions of expenditure which had been effected in the De-

partment and for the technical knowledge that had been displayed, but to a country gentleman, the hon. Member for North Lincolnshire (Mr. Winn). In fact, either the Prime Minister must be under some grievous misapprehension, or he changed the matter backwards and forwards in such a way as to make it appear that technical knowledge had nothing to do with those reductions of expenditure at all. The exact words of the Prime Minister were these—

“Since the publication of the Report of the Committee, and very much in consequence of its suggestions, the expenditure of the Department has been reduced by £40,000 a-year, and at this moment there are changes in progress which will bring about a further reduction of £20,000 a-year. I think this is evidence that Her Majesty's Government have not in any way neglected the recommendations of the Committee of the House of Commons. Upon this point, my Lords, I may perhaps make an observation. It has been said this great saving of the public money, and the great and beneficial changes that have been effected, are striking proofs of the advantage of having as superintendent of the Office a person who has a technical knowledge of stationery and printing; for they have been ascribed to the influence and exertions of a distinguished Colleague of my own who is Secretary to the Treasury, and who before he entered into public life—happily, I think, for the public—was himself the head of one of the greatest establishments in this country connected with printing and with stationery. I allude to Mr. W. H. Smith, the Secretary to the Treasury—a name known and honoured. Now, I assure you my Lords—and I make this statement with his full authority and at his special desire—that none of those alterations in the Stationery Office are at all attributable to his influence and exertions. As Secretary to the Treasury, he has signed all the documents which have appeared connected with that Department, but the truth is, he signed them formally, with the full confidence that the work which had been done had been done properly. That work had been done by a Lord of the Treasury, Mr. Rowland Winn. It was solely by his individual exertions and unceasing care that those great improvements and that saving were effected; and I need not remind you, my Lords, that Mr. Rowland Winn has no technical knowledge of stationery and printing, but is a Lincolnshire country Gentleman.”

So that the very basis of the argument offered in this House on the part of the Government on Monday last, that the reductions were the work of the Financial Secretary, were declared on Thursday by the Prime Minister to be a perfect myth. All this showed that the Prime Minister had made this appointment under a misapprehension, he evidently believing that technical knowledge was altogether unnecessary for the dis-

charge of the duties of this office, and that any clerk in the Civil Service, or any mere country gentleman, could discharge those duties “efficiently.” Was it not rather remarkable that the House should have obtained information as to the opinions of the Financial Secretary, not from the hon. Member himself but from a statement made in “another place?” The Financial Secretary was the man who, of all men, could have given perfect information to the House as to the working of the Department, and the savings effected, and it was a very strange thing when hon. Members were showering compliments on the Financial Secretary for his technical knowledge, the Financial Secretary himself did not get up and repudiate all those compliments, saying that they belonged entirely to his hon. Colleague the Member for North Lincolnshire. He wished to know whether the Secretary of the Treasury had objected to the appointment when made? He looked at this matter as one in which administrative ability without technical knowledge had been preferred to technical combined with administrative ability. It had been asked in the course of the late debate—“Why should they complain of a rising man being put into that Department, when they had men in high places in Departments who were unacquainted with the technical details of them?” This view had been advanced by the right hon. Gentleman the Secretary for War, who had instanced his own case, and that of the First Lord of the Admiralty, as those in which a man without any knowledge of military or naval matters had been placed at the head of the military and naval affairs of this country. But was not that merely an additional reason why the permanent officials at the head of the different Departments should have a perfect acquaintance with the technical details of the work of their different offices? Would the First Lord of the Admiralty think it very wise to suggest that one unacquainted with ships should be appointed Constructor of the Navy? He held it that in the Stationery Department, more than any other Department, it was essentially necessary that a man should be acquainted with the business. It was not a question only of a man being acquainted with his trade, for a man who was in the trade knew the traders, the men with whom he would have to deal.

He would like to ask this question—was it not possible in that great country to get a man who had technical knowledge and at the same time administrative ability? Was there any other country in the world where there was so much technical knowledge and administrative ability combined in great undertakings? As to the recommendations of the Committee, the Prime Minister, on Thursday, went so far as to say that in appointing the particular kind of man who was recommended by the Committee, he should have to appoint a man who had retired from business, or from whom business had retired. He could not conceive how anyone could arrive at that conclusion. He held that such a man as the Committee recommended could be got, and at a fair and moderate amount of salary. There were plenty of men who were managers in the large stationery businesses in the country and in that town who had at the same time admirable technical knowledge and administrative ability. When he stated that during the period between 1865 and 1876 the amount of money expended in the Stationery Department had been over £4,000,000; when they looked at that sum and remembered that last year, by the good management of those acquainted with that particular trade, a saving amounting to 12 per cent had been effected for the country, it would be seen that had the same system extended over that 10 years, it would have amounted to something like £460,000 or £480,000. As regarded the question of giving this appointment to anyone inside the Department, the statement of the Prime Minister had only strengthened the position of those who were in favour of adopting that course. The Prime Minister had said—

“But if, speaking generally, as I think it will be admitted, it is not wise that it should be considered a matter of course that a subordinate should succeed to the Chief on his promotion, certainly that rule would particularly apply when we were dealing with an Office, the administration of which was admittedly unsatisfactory. I say this particularly with reference to the Chief Clerk of the Stationery Department (Mr. Reid). I believe him to be an efficient and able officer; I believe that all that was good, or much that was good, in the late administration of the Office may be attributed to him. But, at the same time, the general administration has not been satisfactory, and it appeared to me of the utmost importance that fresh blood should be introduced into the Department.”

The truth was that what was wanted was

not fresh blood, but fresh brains, and if the choice was between a clerk in the War Office and the Chief Clerk, he thought the appointment ought undoubtedly to have been given to the gentleman who was acquainted with the work. What were they asked to do to-night? They were asked to reverse a decision of the House of Commons come to only a week ago, and that because the information which the Government was able to furnish the House last Monday was not so complete as it might have been. Let him remind the House of a dictum once laid down in this House by the Prime Minister. On the 9th of June, 1873, they had a discussion in that House on the Cape and Zanzibar Mail Contract. On that occasion certain statements were made which the Government were not prepared to meet, and they wished for an adjournment of the debate. What did the Prime Minister, who was then Leader on the front Opposition bench, say on that day? He said this—

“The House was in possession of all the information which would justify a decision; and if not the fault lay with the Government, who had chosen their own time and opportunity. There had been a full discussion; but because the Government could not give a satisfactory answer to the charge, they wanted to waste the time of the House, and arrest the Business of the country, by adjourning the debate.”—[3 *Hansard*, ccxvi. 711.]

They were asked to-night to do that which the Prime Minister on that occasion seemed to think ought to have been resisted. The Motion itself was a Motion referring to an explanation made on Thursday last. Why this delay of four days for an explanation? It ought to have been given at 2 o'clock on the Tuesday. There should have been no delay on the part of the Government in coming down to the House and giving that explanation, whatever it was. He, for one, would be extremely sorry to be ungenerous in dealing with a question of this kind. He would, therefore, not be sorry to see that part of his Motion expressing censure withdrawn; but in the interests of the country he could not but come to this conviction—that this appointment was not in accordance with the recommendations of the Committee, nor in furtherance of the best interests of the country.

MR. W. H. SMITH said, that as his hon. Friend opposite (Mr. J. Holms) had referred in such pointed terms to

him, he hoped the House would give him its indulgence for a few minutes. He regretted that he was not in the House on Monday last when the hon. Gentleman made his speech; but, as hon. Members were aware, the duties of the Secretary to the Treasury were not light, and he was often obliged to pass his time in a room not far off, which was the case on Monday last when the hon. Gentleman was speaking. He was not aware that it was the intention of the hon. Gentleman to refer in any way to him, or he would have been in his place. The hon. Gentleman had given him great credit for the reforms effected in the Department. But the fact was, though he had most cordially and heartily seconded the efforts made by his hon. Friend the Member for North Lincolnshire (Mr. Winn), he wished distinctly to state that the great reforms which had been effected were due altogether to his hon. Friend's unceasing exertions and attention at the Stationery Office. It had been said that those reforms had been due in a great measure to the technical knowledge which he (Mr. Smith) possessed. But though for many years, as the House and the country were aware, he had been at the head of a very large business, it was nevertheless the fact that he never had any practical knowledge of printing at all. He had no doubt paid large sums for printing; but what he had done was to exercise his judgment to the best of his ability in the selection of a manager, and he had always to rely upon the advice of faithful and able assistants, who had served him well in the positions to which they belonged. He never was a technical stationer, he had not served an apprenticeship to the trade, his knowledge, such as it was, had been the result of observation and that practical power which came to men in the management of great business affairs. He did not desire to enter into the personal affair further than to say one word as to one who had been an officer of the Stationery Department, who had been referred to by the hon. Gentleman, and who had communicated with the hon. Member for North Lincolnshire and himself on this subject—he meant Mr. Greg. There could be no doubt that Mr. Greg did not treat his office in any way as “a deanery;” but had rendered faithful service to the

State as Controller of the Stationery Office. Mr. Greg did not perhaps take the same views on all points as his hon. Friend the Member for North Lincolnshire; but to the best of his ability he enforced economy, and managed his office ably and well according to its established order and traditions. It would be harsh, unfair, and injurious to the Public Service that censure of the kind intimated by some hon. Members should be thrown upon a gentleman who, both in his literary capacity and as Controller of the Stationery Office, had rendered good service to the State. He was challenged by the hon. Gentleman (Mr. Holmes) as to this particular appointment, and he was referred to the Report of the Committee and to the strong representations it had made that technical knowledge was necessary. The appointment, however, did not rest with him, and he was not in the slightest degree responsible for it. He confessed, however, if he had to make an appointment of this character he would strongly object to have his hands tied, or to be limited in the field of selection to persons having a technical knowledge. It was infinitely more important that in the Civil Service for the heads of the great Departments we should find men who possessed administrative ability and knowledge of the world, who were capable of dealing with other great Departments, who understood what human nature was made of, and who had not been educated in the comparatively narrow school of trade. In saying that, he cast no reflection on trade, because it was to trade he owed all he possessed. He believed trade to be honourable in this country; but undoubtedly if we looked around us, we should not find men capable of taking a very large view or of administering great public Departments who would take the comparatively miserable salary of £1,200 or £1,500 a-year. His hon. Friend said it would be possible to find an assistant in a great stationery business who would be glad to accept a post of the kind. [Mr. J. Holmes: Not an assistant, but a manager.] He did not doubt that persons would be found of great technical knowledge, but it would be a mistake to appoint them. Without casting the slightest reflection on trade, it was inevitable that there should be something narrow, something careful, something minute in the training and

education of a person in such a position, which would make him less qualified to take a wide, a large, and, ultimately, an economical view. ["Oh, oh!"] He could only speak from his own experience, though he was always unwilling to introduce his own affairs. Some time ago it became necessary for him to find a person for the management of interests of the last importance to him. He had a very wide field of selection — 8,000 persons. The man he selected was a University man, who had no technical knowledge, who was master of a public school, who had forced his way on in the world, was about 30 years of age, and had given great evidence of capacity; but his position was precisely that of Mr. Pigott at the present time. He was receiving an income of about £300 or £400 a-year. That gentleman was now the managing partner in a great concern. In the same way Mr. Pigott was selected, not because of his knowledge of trade, but for his knowledge of the world and his general capacity. He ventured to think these were the considerations which should guide the Ministers in the selection of the Chiefs of the great Departments of the State. He wished to speak with the greatest possible respect of Mr. Reid, the Chief Clerk of the Stationery Office. Mr. Reid had done very good service, and was a most faithful public servant. He did not, however, on that account doubt that the selection which the Prime Minister had made would conduce greatly to the public interest. He could not help saying again that the Government and the country owed practically the entire saving which had been effected in the Stationery Office to the exertions of his hon. Friend the Member for North Lincolnshire.

MR. A. H. BROWN observed that every one who was examined before the Select Committee said that technical knowledge was the great want at the Stationery Office; and when the Committee distinctly recommended that the person appointed at the head of that Department should be a man possessing technical knowledge, it was not right that their recommendation should have been set aside. That being so, he wanted to know what it was that had induced the Prime Minister to make the appointment? He believed there would have been no difficulty in finding a man in the trade perfectly fitted in every respect

for this office. For example, one of the witnesses examined before the Committee, Mr. Howell, was appointed Director of Contracts in the War Department because of his technical knowledge, acquired in a trade from which he retired to accept that office. The Prime Minister said that he made this appointment on his own responsibility, and that Mr. Pigott's name had been laid before him by a gentleman of great experience in the Public Service. He should very much like to know who that gentleman of great experience was. The Prime Minister said that the hon. Member for North Lincolnshire (Mr. Winn), to whom the recent saving in the Stationery Office was due, was not a printer, but a country gentleman. He was in the recollection of the Committee, however, when he said that the hon. Member for North Lincolnshire, when sitting on the Committee, was particularly distinguished for his knowledge of the printing trade, and put some very pertinent questions on the subject, so that it was clear his hon. Friend was possessed of some information, which he had used for the benefit of the public. That was, he thought, an additional reason why some person with technical knowledge should have been appointed Controller of the Stationery Office. He held that the appointment was a great mistake, and hoped the House would not withdraw the Resolution it had passed.

THE CHANCELLOR OF THE EXCHEQUER: I feel, Sir, in common, I am sure, with many hon. Members, regret that it should be necessary to take up so much time as we have done this evening in discussing a question of this kind. But, on the other hand, I feel, as I said an hour ago, that the House must be satisfied that it would be impossible, with a due regard to its own dignity, and with a due regard to the character of a man, which, not only from personal associations, but from the important office which he fills, ought to be of great importance, and ought to be valued by every Member of the Legislature—that it would be impossible, I say, with a due regard to those considerations, that this matter should be allowed to remain and rest where it stood. The question which had been raised with respect to this appointment of Mr. Pigott divides itself into two parts. There is, as has been said by the hon. Member for Hackney

(Mr. J. Holmes), the national and the personal side of the question. I do not intend, though it is a very important part of the subject, to say much on what he termed the national side. It is undoubtedly the fact that the judgment arrived at by a Select Committee of this House two or three years ago is at variance with the course which the Prime Minister on his responsibility deemed it right to pursue in making this appointment, and it may very well be argued, without any reflection on one side or the other, either that the view taken by the Committee was correct, or that that taken by the Prime Minister was the right view. There can, however, be no disgrace arising out of a question of opinion on a matter of such intricacy and delicacy as the precise amount of value to be attached to the particular qualifications for a special office. I may say a few words on this part of the question before I sit down, but I may spare myself much trouble with regard to it, because I believe what I stated on Monday last, and what my hon. Friend the Secretary to the Treasury stated with so much authority just now, has very fairly placed before the House the views by which the Prime Minister was actuated in coming to the decision at which he arrived. I, therefore, pass by for the present that part of the subject for the purpose of coming to another, and in many respects the most important and delicate part of it—I mean the personal part of the question. I speak of it as the most important part of the question for two reasons—in the first place, because if my noble Friend, Lord Beaconsfield, in selecting Mr. Pigott was influenced by considerations of a personal character, then undoubtedly all the arguments by which he defends, and by which we also defend the selection are tainted and vitiated by the suspicion which would be thrown upon an appointment said to be made from personal motives; and the reasons which were given, and which I hope to show are the true and only reasons, are cast into the shade from the suspicion that they were put forward merely as after-thoughts for an appointment that was made on very different grounds. But, besides that, the question of the motives with which the appointment of Mr. Pigott was made is one of the highest delicacy and import-

ance, because it would be intolerable that the character of a man in the high position of Prime Minister of this country should be allowed to rest under an imputation that in making a selection for an appointment he was governed by unworthy motives. Now, in this House a very large majority of hon. Members—indeed, I may say, with very few exceptions, the whole House, has for a greater or smaller number of years known the Prime Minister as the most distinguished, or one of the most distinguished, ornaments of the House. They know very well that his life has nearly all been passed here. They know that although he has now been removed to another sphere, yet in the judgment of history it will be as a Member of the House of Commons that he will be chiefly remembered; and those who know him well are well aware that there is nothing nearer or dearer to his heart than that he should retain that which everyone, I think, will admit he acquired—the respect and affection of the House of Commons. This I may venture to say, speaking as for my Friend as well as for my Chief, that I know nothing that has ever hurt him so deeply within my recollection of him as the censure and the reflection cast upon him in the Vote of last Monday night. I do not think it needs any intimate acquaintance with my noble Friend to believe that, but it has come home to me in an especial manner, because it is impossible for me not to feel that to a very great extent the Vote which was passed on that occasion was passed through a fault of my own. ["No no!"] Yes, it is true; for it has been said to-night, and justly said, that it was because of the imperfect manner in which I met the charges and repelled the accusations of the hon. Member for Hackney that many hon. Members either voted in the majority, or abstained from voting upon that occasion. Sir, I have felt very deeply that it may have been owing to some *laches*, or, at all events, some fault of my own that that result was arrived at. This very evening I have felt that again, because the hon. Member for Hackney, on getting up and beginning to argue this case said he was bound to call attention to the discrepancies between the statement I made on Monday and the statement which was made by my noble Friend, Lord Beaconsfield, a

few days later; and he said that what the House was asked to do on the present occasion was to displace the statement I made in this House by the statement made by Lord Beaconsfield in "another place." Sir, I must answer, therefore, and I must answer as carefully as I can, the point which the hon. Gentleman has raised, and I must endeavour to state as clearly as I can exactly what occurred with regard to this Motion, and with regard to my own language on the subject. Now, Sir, it is perfectly true, as the hon. Member for Hackney has reminded us, that he put this Motion down some considerable time before he brought it on. He says he put it down on the 18th of June. I have no doubt that was the day—at all events, it was some time ago—and it did so happen when the Notice was put down that, my attention being attracted to its terms, I spoke to my noble Friend, Lord Beaconsfield, on the subject. I will say in a moment what passed between us; but I may also say this—that from that time till the Motion was brought on, I never had any further communication with him on the subject, and I may very possibly have imperfectly recollected some of the things which passed between us on that occasion. Now, when the Notice was first put down I observed its terms. They were to the effect that the appointment which had been made was calculated to diminish the weight and influence of Committees of this House, and, of course, it immediately occurred to me that what was meant by that statement was, that the appointment was made in contravention of the recommendations of the Committee of which the hon. Gentleman had been Chairman. That, therefore, was the point which was particularly in my mind; and when I spoke to the Prime Minister on the subject I said to him—"What is to be said with regard to this Notice of the hon. Member for Hackney?" and his answer to me was to this effect—"You can say that I considered the recommendations of the Select Committee; that I did not think that I was bound by those recommendations; and that I did not approve them; that, in my opinion, to appoint a gentleman taken from the trade would either be impossible, because you would not be able to get a man who was in a flourish-

ing business to leave his business for the salary you could offer; or it would be objectionable, because you would have to take a man who has failed." That was an argument simple and common enough, and I will not stop to inquire whether it was a good argument; but with regard to Mr. Pigott, my noble Friend said—I cannot remember the precise words, but I think he said—"I do not know much about him except that he was recommended to me very strongly. He is the son of a former vicar of Hughenden, and I have heard of his being often employed in the Public Service in a manner which has been very creditable to him." Now, the impression I own I carried away from that was, that at different periods, or from time to time, the Prime Minister had heard that Mr. Pigott had been well employed. My noble Friend also said—"I will send you a statement of his services." Well, he sent me a statement of his services, and I will read the exact words. I do not know by whom it was written, but it was dated from the War Office. It says—

"Thomas Digby Pigott, aged 37, appointed a temporary clerk in the War Office on the nomination of Lord Beaconsfield, and to the Establishment, after competition, in 1860."

The House will observe that although he was appointed a temporary clerk on the nomination of Lord Beaconsfield in 1859, he subsequently gained his place on the establishment by competition in 1860, under a Government with which Lord Beaconsfield had no connection.

"Was in temporary charge of the Militia branch for some months during a time of unusual pressure in 1870, and was told that if he wished it, his position there should be confirmed, but it would be more convenient if, instead of remaining permanently in charge himself, he helped to enable a senior clerk to take the post, and accordingly did so. At the end of 1870 he was offered Lord Northbrook's private secretaryship and served with him during the Session in which Purchase was abolished, and until 1872, when Lord Northbrook went to India."

Lord Northbrook has taken occasion publicly to express his sense of Mr. Pigott's services.

"Served as private secretary to Lord Lansdowne from April, 1872, to February, 1874, and to Lord Pembroke from March, 1874, till his resignation in 1875. Served as Secretary to the Royal Commission on Army Promotion from November, 1874, to August, 1876, and has since been chiefly employed on special

work connected with the Report of the Commission, for which he was thanked by Mr. Hardy in his Estimate speech this year. Is now acting temporarily as assistant private secretary to Mr. Hardy."

That is the statement which was put in my hands; and I confess that coupling what the Prime Minister had told me as to his having heard that Mr. Pigott had often been well employed—or, as I understand him, that he had often heard of his being so employed—and as to his being the son of a former vicar of Hughenden, with the fact that his original appointment was due to Lord Beaconsfield, I—perhaps wrongly, but I think not altogether unnaturally—derived the impression that he had been known to Lord Beaconsfield, and that Lord Beaconsfield had from time to time heard of him in his career. But it really was a matter which did not dwell upon my mind at all, and when that appointment came to be challenged, my impression was simply that I should have to argue the case as from the national point of view, and show why a stationer or a gentleman connected with the trade should not be appointed, and why the office should be given to an eligible man in the Public Service. I took it for granted that almost everyone would acknowledge that if a man was to be selected from the Public Service, the appointment of Mr. Pigott was probably as good an appointment as could have been made. Now, I find that to a certain extent I was in error, because it is perfectly true, as was afterwards stated by Lord Beaconsfield, that he did not know Mr. Pigott; and although he was, in a manner which I will explain in a moment, responsible for Mr. Pigott's original appointment as temporary clerk to the War Office; yet he had not known or heard anything of him until just a little while before the time came for making this appointment to the Stationery Office. Now, with regard to the original appointment of Mr. Pigott to the Public Service, I have made inquiries as to the circumstances under which he was first nominated. I believe it was at the time when General Peel was Secretary of State for War. There was a demand for a considerable number of temporary clerks at the War Office, and General Peel asked a number of friends to recommend young men suitable for the post. He placed a nomination

at the disposal of Mr. Disraeli, who gave it to a clergyman in his county for his son. That clergyman not having occasion for it declined it, but asked as a favour that Mr. Disraeli would give it to a very promising youth—Mr. Pigott. The appointment, therefore, in the first instance, of Mr. Pigott, was really made, not on the recommendation of Lord Beaconsfield, but on the recommendation of a gentleman to whose son he had offered it. To go to the other end of Mr. Pigott's career, so far as it has gone, the question was raised, how came he to be selected for the appointment at the Stationery Office? Well, I confess that when I was speaking on Monday last I had known so little of these questions of patronage that I was really not aware of what had occurred; but I have since communicated, of course, with Lord Beaconsfield, and I have received from him a full account of the steps he took when this office had to be filled up, and have been shown by him the names of the persons who were under his consideration as eligible for the appointment. It is not right to give the names, but the House will accept my assurance that I am well acquainted with the names, and that I know the manner in which they were brought under Lord Beaconsfield's notice. Two of the gentlemen hold appointments of considerable eminence in the Civil Service, men fairly of the rank of the Controller of the Stationery Office; those gentlemen were known to Lord Beaconsfield, as their names would be known to many hon. Members of this House, if they were mentioned; and it appeared to him that either of these gentlemen might properly take the office if he wished. The first declined it at once, because he preferred the office he held; the second, after some hesitation, also declined. In the meantime, there had been sent to Lord Beaconsfield the names of a good many persons who were recommended for the appointment. It is asked by whom they were sent. They were recommended by a great number of persons, for the most part by the Chiefs of their own Departments. One gentleman of whom I have some personal knowledge, though he is in a Department I am not connected with, was recommended by the Secretary of that Department, who is certainly neither politically nor in any way a friend of Lord

Beaconsfield, and who yet had a very fair reason for recommending a gentleman he was acquainted with. Some others were recommended by hon. Members of this House; one or two gentlemen personally made application for the post; and others were recommended by gentlemen who knew them. These names were referred to the Prime Minister in the ordinary way through his private secretary, not as recommendations made by the private secretary, but as recommendations made by different persons; and in some cases there were several backers to the same man. Mr. Pigott did not apply, and was not in the number of those who were so recommended. He had recently been serving as Secretary to the Army Purchase Commission, and Lord Penzance, as Chairman of that Commission, has borne testimony in the strongest terms of the value of Mr. Pigott's services. Mr. Pigott's term of service in that Commission had expired, and my right hon. Friend the Secretary of State for War, who was at the head of the Department, thought he had done his work in that Commission so well that he sent his name to the Prime Minister as that of a proper man to be chosen in case any other Commission required a secretary. My right hon. Friend knew nothing about the Stationery Office; it was simply and solely because my right hon. Friend shared the opinion of all Secretaries and Under Secretaries who had cognizance of Mr. Pigott's service that he gave Mr. Pigott's name for employment. The name arrived at a time when Lord Beaconsfield, having twice failed to obtain the services of gentlemen to whom he had offered the appointment, had several names before him, and, having considered them, he came to the conclusion that Mr. Pigott's services showed him to be a man of such general administrative ability as to promise exceedingly well for an appointment of this sort; he preferred him to the others, and that is the simple history of this case. If you compare the history of Mr. Pigott's career and the manner in which he was selected for the appointment which he holds with that of any gentleman who holds any position whatever—I do not care what it is—in the Civil Service—though you may have your opinions as to whether it was wise

or not to appoint a man without technical experience, whether it would have been right in that respect to defer to the opinion of the Select Committee—there is no man whose appointment was made more honourably and in a more straightforward and thoroughly pure manner than this. A collateral question has been raised with regard to the statement made by Lord Beaconsfield as to the vote given at an election by Mr. Pigott's father. I really think, if I may venture to make such an observation, that Lord Beaconsfield need hardly have gone into such a matter, because, even if Mr. Pigott's father had been his best friend and supporter, that would not in any way disqualify the son; it would have been exceedingly hard that a young man who had shown talent and capacity should have been excluded from positions for which that talent and capacity fitted him simply because his father had been a supporter of the Prime Minister of the day. I own I did not expect to hear in this House from any hon. Member of it expressions such as were used early in the evening which seemed to throw a doubt on the veracity of Lord Beaconsfield; but as the statement of Lord Beaconsfield on the subject has been challenged, it is right I should say a word upon it. As Lord Beaconsfield stated, Mr. Pigott was the vicar of Hughenden some 30 years ago, at the time at which Lord Beaconsfield became possessor of the property. As has been stated in an independent letter read by the hon. and gallant Baronet the Member for West Sussex (Sir Walter Barttelot), and as is perfectly well-known to many persons, there were some unfortunate differences between Mr. Disraeli and Mr. Pigott; in fact, there was a lawsuit between them, and I believe they were not at all upon friendly terms. The House will bear in mind that the original appointment of the younger Mr. Pigott was made, not on the initiative of Lord Beaconsfield, but at the suggestion of another person, Mr. Disraeli generously giving a nomination to the son of his former opponent in the Law Courts. After the statement had been made in this House that Mr. Pigott was the son of a gentleman who had been a political supporter of Lord Beaconsfield, a member of Mr. Pigott's family addressed him a letter stating that the vicar voted against him, and on

this information, which coincided with his own impression, Lord Beaconsfield made the statement with regard to the vote. Since then he has endeavoured, by reference to the proper authorities of the county, to obtain precise evidence of the fact; but he was informed that no document existed which would afford that evidence. The grounds on which Lord Beaconsfield made the statement, therefore, were quite sufficient to justify him in saying what he did in his speech. These are really the facts of the case, and I do not think the House wishes, or that it is all desirable, to go any further into the matter. I fully admit it is desirable to pay proper respect to the recommendations of a Select Committee; but there are many recommendations of such Committees that have not been followed. The only point on which I am anxious there should be no mistake is the question of the personal character of Lord Beaconsfield. I think I may appeal to the hon. Member for Hackney himself, and to the great body of hon. Gentlemen sitting opposite, as well as to my Friends on this side—and I am sure I shall not appeal in vain—when I ask them to unanimously withdraw a censure which I am convinced would not have been passed—at all events, in the terms it was—upon this appointment, if it had not been for the impression which prevailed—and I must say I take great blame to myself for allowing it to prevail—that something had been done in this matter which would not bear the light. I am quite sure after all the contests in which we have been engaged in this House one with another, and after all the sharp passages which from time to time have passed between my noble Friend and his opponents, here and “elsewhere,” there is that kindly feeling of regard among ourselves for the man, and, above all, that sensitive jealousy for the character of the great office he fills, which would make us all desire in every way we can do it to clear a character which must be dear, not only to us, but to all Englishmen.

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involves the distribution of the patronage of the Government, is an important one; still, at this period of the Session, time is of some importance, and a question of this sort may be discussed at too great a length. I quite agree that it was due to the dignity of the Government and of the House that some action should be taken in the matter to put the Government and the House into harmony with each other, seeing that a Resolution has been passed by this House which, I think, requires some justification. Beyond that, the further explanation that has been given relates almost entirely to the personal aspects of the case, and nothing has been said as to the subject of the recommendation of the Select Committee which was referred to in the debate. But I must say there was much in the speech of the hon. and gallant Baronet the Member for West Sussex (Sir Walter Barttelot) that I heard with very great surprise and regret; and it seemed to me that the speech was, to a great extent, irrelevant to the Motion he asks us to adopt. Explanations might have been confined almost entirely to the personal aspect of the case, and yet the hon. and gallant Member unnecessarily went at great length into the arguments which the House had before it previously as to the conduct of the Government in relation to the recommendations of the Select Committee. But I thought a good deal of the hon. and gallant Member's speech was of a somewhat trivial character. I entirely agree with the right hon. Gentleman opposite that it was hardly right even for the noble Lord at the head of the Government to refer to that matter about the vote. It was necessary for my hon. Friend behind me (Mr. Holmes) to refer to the matter, because doubts were cast on the accuracy of his original statement; and it was very natural that he should have wished to say as much on that subject as was requisite to show that he had not made his statement without due consideration. But it was really a waste of the time of the House for the hon. and gallant Gentleman to read at length a letter which he had received from a correspondent, who, he was 83 years of age, in order to the nature of the relations which existed between the Rev. Mr. and Lord Beaconsfield. There art of the speech of the hon. and

gallant Gentleman which I thought was not only irrelevant, but also rather wanting in the good taste which usually distinguishes his remarks; for on a question such as this, when through the fault of somebody—but not of anybody sitting on this side—the House and the Government have been placed in a position of antagonism and difficulty, I cannot see how that situation is made any better by the references he made to certain appointments which, in his opinion, were improperly made by the late Government. Sir, a more injudicious speech in which to introduce a conciliatory Motion, which I hope we shall all be unanimously disposed to support, I have seldom heard than that of the hon. and gallant Member. I have said that I hope we shall unanimously agree to this Resolution. I have no hesitation in saying to my hon. Friend behind me (Mr. Holms)—he is perfectly aware of it—that I had some doubts when he first showed me the terms of his Motion. I thought he attached somewhat too much weight and authority to one isolated recommendation of a Select Committee. I cannot but think that if too much weight is attached to any such recommendation, the responsibility of the Government would be diminished, and that the responsibility for administration would be practically removed from the Minister and placed upon Committees. I also frankly owned to my hon. Friend that I had some doubt as to the recommendation itself. I told him that I much doubted whether a man practically acquainted with the details of this business could be found, at any rate at the salary that was offered. My hon. Friend gave me some further particulars respecting the appointment; and I informed him that I should be glad to hear the arguments on both sides, without pledging myself as to how I should vote. Well, I heard the statement of my hon. Friend, and I unfortunately also heard the statement made on the other side; for after the explanation, or rather the want of explanation, from the Government on the matter, it was impossible for us to do otherwise than we did on that occasion. My right hon. Friend the Member for Pontefract (Mr. Childers) spoke in the course of the former debate. He attached little weight to the personal side of the question, but he appealed strongly to the Government

to tell us whether there was any excuse which could be made for this appointment. He said—"Can you inform us that the recommendations of the Committee were fully weighed and considered; what steps were taken to inquire whether such a man as the Committee recommended was to be found or not; what course was adopted to find a suitable candidate for this office?" We were told nothing, except that the Prime Minister had watched the career of this young man with great interest from his youth; and I must say that the impression conveyed to everybody's mind, until it found expression from the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams), was that there was something in this business which savoured strongly of a job. That was the impression under which a number of hon. Gentlemen on this side voted; it was also the impression under which a large number on the other side voted for the Motion, and a larger number abstained from voting at all. I think that, as a general rule, nothing could possibly be more inconvenient than that a reply should be given to a debate in this House in "another place." But still, those explanations have been made; and although we may all have our different opinions as to whether this is the best appointment which could have been made or not, as to the weight which ought to be given to the recommendations of a Select Committee, and as to the recommendation itself, still, I think that in very few minds will any impression now remain that this appointment has been made without consideration, that it has been made solely on personal grounds, or that the gentleman who has been selected is not well qualified in many respects for the appointment. I quite admit the force of the observation made by the right hon. Gentleman opposite, that it is quite impossible, with all the business which passes through his hands, that he should be able to make himself acquainted with every detail in a case like this. And if this explanation could have been given on a former occasion, I am strongly of opinion that the decision of the House would have been different. In those circumstances, although the subject comes before us in a somewhat irregular and inconvenient manner, I believe there is no hon. Gentleman, on whatever

side he may sit, who would wish that a decision of the House arrived at under a misapprehension should remain unreversed, and therefore I hope that my hon. Friends on this side will think fit to agree to this Motion.

SIR RAINALD KNIGHTLEY said, he could not congratulate himself or the House on the position which they occupied on that occasion. They had, he thought, been acting the play of *Much Ado about Nothing*. He still retained the opinion he had the other night that, the appointment of a junior clerk over the heads of so many other people was a mistake. But between an error of judgment in such a matter and the use of the patronage of the Crown for personal or private ends there was a very wide distinction. He was bound to say that he voted on the last occasion from a misapprehension, as the hon. Member for Hackney's (Mr. J. Holms's) statement was not founded upon facts. At the same time, he thought that the Chancellor of the Exchequer had misled the House on Monday last by withholding information from them. The right hon. Gentleman was in the position of a counsel who undertook to defend a client without having received a brief. If the right hon. Gentleman had on Monday last said as much as he had that night, he should have voted differently; but the right hon. Gentleman's speech upon that occasion influenced him (Sir Rainald Knightley) to vote for the Resolution. That showed the fallacy of the saying that the speeches made in that House seldom influenced the votes given in it.

SIR GEORGE BOWYER said, that the House would be doing no more than a simple act of justice if they rescinded the Resolution of Monday last. The Resolution was agreed to because the House thought the appointment was a job. But what was a job? Why, an appointment made to serve private interests as against the public interest. It having been shown that the Resolution was founded on a mistake, it ought to be rescinded.

Question put, and agreed to.

Resolved, That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appoint-

ment of the Controller of Her Majesty's Stationary Office, withdraws the censure conveyed in the said Resolution.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NATIONAL SCHOOL TEACHERS (IRELAND).—RESOLUTION.

MR. MELDON rose to call attention to the expediency of adopting means to secure better remuneration to the Irish National School Teachers, in accordance with the pledge given in 1874, and to move—

"That, in the opinion of this House, some means should, without further delay, be found to provide Irish National School Teachers with such remuneration for their services as will secure to them more certain incomes, and less dependent on contingencies than at present, and more commensurate with the services which they perform."

The hon. and learned Gentleman stated the circumstances of the case of these teachers, which had been discussed on two previous occasions that Session. He said, that in 1874 certain pledges had been given by the Chief Secretary for Ireland with respect to the salaries of the Irish National Schoolmasters, but the Act of 1875, which was intended to carry out the pledge given in 1874, was admitted to be a failure, and that the scheme set on foot last year failed to secure certainty in the amount of these teachers' incomes. These unfortunate men who were doing such exemplary service to their country never knew at the beginning of the year what their income would be. It was not measured by their own exertions; but it depended upon the will of others whether they received the amount Government intended they should have. They were left at the mercy of the Guardians, and in the present year only 38 Unions were contributory to the salaries of the teachers, and the whole state of things was so unsatisfactory that he could not help thinking the Government would make another attempt to remedy the evil. He did not think that the new system could be permanent, and indeed it was, to a great extent, never intended

to last; it had been introduced as an experiment and as a temporary measure. But a year had now passed, and in his judgment some steps ought to be taken to render the position of the teachers more independent. They could not be so at present, for the average salary was hardly £50 a-year, and he trusted that the House would perceive the justice of the cause he advocated. The hon. and learned Gentleman concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, some means should, without further delay, be found to provide Irish National School Teachers with such remuneration for their services as will secure to them more certain incomes, and less dependent on contingencies than at present, and more commensurate with the services which they perform,"—(*Mr. Meldon*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BRUEN said, that there was much to recommend the Resolution from the teachers' point of view. They were not in a satisfactory position, and their case deserved the favourable consideration of Parliament. If they wished that the education of the country should be adequately and properly conducted, they should sufficiently pay the men who were engaged in it. That was not the case here, for he found that the average salary of National School Teachers in Ireland was only £50 per annum, and if that was the average he would leave the House to imagine how small must be the minimum. In his opinion it should never be less than £1 per week. But, granting that the salaries at present paid were insufficient, it was difficult to devise means for raising them. The Chief Secretary had, in the year 1875, introduced a measure with that object, and a very large number of Unions had agreed to come under its provisions; but experience had, unfortunately, shown that that did not work satisfactorily, and one by one nearly all the Unions had discarded it; and he feared that the general tendency was not to give an adequate amount of assistance to the teachers. He hoped

his right hon. friend the Chief Secretary might be able to give some assurance that he would hold out to the National School Teachers an expectation that their just claims would be considered.

MR. O'REILLY thought the proposal of the hon. and learned Member for Kildare (Mr. Meldon) was entirely fair and just. His hon. and learned Friend's sole object, however, was to improve the condition of the teachers, whereas his (Mr. O'Reilly's) own desire was to improve education in Ireland. If we attained the latter object, we should likewise gain the former; but he entertained a decided opinion that the raising of the salaries of the teachers, irrespective of the amount and quality of teaching given, would, instead of improving education in Ireland, have a directly opposite result. He was strongly in favour of payment by results, and of State aid in proportion to local contributions and results.

MR. RICHARD SMYTH maintained that it would be a mistake to carry the system of payment by results beyond the point at which it was, and pressed the right hon. Gentleman the Chief Secretary for Ireland to re-consider the position of the Irish teachers. The Contributory Union Fund had proved a total failure, and if the Government were not prepared to make further provision from the Votes of Parliament, they ought to make some propositions that would remedy the evils which the Act of 1875 had utterly failed to meet. He hoped that Act, now practically a nullity, would be repealed.

MR. CHARLES LEWIS said, the benefit which it was intended by the Act of 1875 to confer on the teachers in the National Schools in Ireland was defeated by the action of Boards of Guardians and other influences, and the teachers, who ought to be maintained in circumstances of respectability, were reduced every year to go in a cringing way and canvass the Guardians and others to do justice to them, and to obtain for themselves what was actually necessary to keep soul and body together. Beyond that, the payment might be by results, as an inducement to them to persevere in their work. Experience showed that matters were getting worse, and for himself he felt it his duty to vote for the Motion of the hon. and learned Member for Kildare.

CAPTAIN NOLAN thought it must be admitted that the Irish National School Teachers were insufficiently paid, when their remuneration was about on a level with that of the Irish day labourer. The Government would do a popular as well as a wise thing in raising to a moderate extent the salaries of those teachers. They gave to the teachers in England twice the amount of salary that they gave to the Irish teachers. The case of the Irish teachers was a very serious one. Let them consider the grants given for education in the three countries—England, Scotland, and Ireland. The Government, in the last year, gave £600,000 towards education in England; £300,000 to Scotland, with a population of only 3,500,000; and to Ireland, with a population of 5,500,000, only £100,000. The State ought surely to give encouragement to education in Ireland, and especially to the teachers.

SIR MICHAEL HICKS-BEACH said, the Motion of the hon. and learned Gentleman opposite (Mr. Meldon) asked for some increase to the fixed salaries of the National School teachers, but no suggestion had been made by him as to the source from which the funds to carry out that object were to come. He gathered, however, that they were to be derived from Votes of Parliament. Well, he did not regard the present incomes of the teachers as entirely satisfactory, but he had to point out that this was hardly the fault of Parliament, for while the sums voted in 1868, for the payment of teachers, amounted to £270,700, the Votes had gone on increasing year by year till last year they amounted to £530,000. The teaching Staff had, no doubt, increased in numbers in that time, but the increase was very slight. It could not, therefore, be said that Parliament had not done its share in the matter. The real reason why the remuneration of the teachers was so small was that the amount of local contributions and school fees was small. Here too, however, there was an increase from £47,000 in the year 1868 to £108,000 in 1876. But though that increase was going on, the sum received from local contributions and school fees ought to be greater, for he had always felt that other persons besides the Government and Parliament were interested in the improvement of the position of the teachers. He might add

that the Government had shown themselves disposed to increase the grants still more, provided the local contributions, which were deficient, were increased. He confessed that he thought it was strange, if there was such a strong feeling in Ireland in favour of popular education, and of better payment of the teachers, as had been represented, that Boards of Guardians, when empowered to contribute to a small extent towards paying the teachers for the results proved to have been attained by them, should in so many cases have been unwilling to vote 1*d.* or 2*d.* in the pound for this purpose. The hon. and learned Member for Kildare had on a previous occasion brought before the House the loss caused to the teachers in non-contributing Unions by this refusal on the part of the Guardians; and the Government had consented in such cases to accept local contributions of a certain amount, derived from any source, in lieu of the payment from the rates. The result was greatly to stimulate local efforts on behalf of the schools; for in the Unions affected by the change there had been an increase in voluntary contributions from £7,582 in 1875 to £12,486 in 1876, and in school fees from £23,900 in 1875 to £34,000 in 1876. This was a proof that the incomes of the teachers could be increased from local funds where any real effort was made. He thought that this was the source to which they ought mainly to look for any future improvement in their position, and that if any increase was to be made from funds voted by Parliament, it should take the form of payments for results, rather than that of an addition to the fixed salaries of teachers.

MR. M'CARTHY DOWNING thought the speech of the right hon. Gentleman would be read in Ireland with very great regret. They were losing the best teachers in Ireland, just as the best men in the Constabulary had also left, in consequence of dissatisfaction with their pay. Though year after year hopes had been held out to the Irish people of assistance in the matter of education, those hopes had not been, and, apparently, were not likely to be, realized. The National School teachers had educated the youth of Ireland, and Ireland, being a poorer country than Scotland and England, might fairly ask for aid for them. He would suggest the

Mr. Charles Lewis

advisability of passing a Bill which would make it compulsory for Boards of Guardians to contribute such sums as would raise the salary of the school teachers to a point at which they would be able to maintain themselves and their families.

MR. PARNELL said, the Government was acting in an extraordinary manner. It was some years since the salaries of the teachers had been admitted to be insufficient, and the measure introduced to increase them had proved a failure. The fact was that Government, instead of attempting to remedy existing and glaring evils, had been pursuing a series of experiments at the expense of the National School teachers and the growing youth of Ireland. This so called national system of education had been carried out without the slightest reference to Irish opinion on the subject.

MR. O'CONNOR POWER complained that from the first the system of national education in Ireland had been established for Imperial purposes. It was still retained for those purposes, and it was in conflict with the wishes and feelings of the people who were called upon to contribute to its support. He submitted that it was not fair to call upon any section of the people to make contributions for educational purposes, if they gave them no voice in the management of education. Yet that was the condition which the right hon. Baronet laid down before he would promise any State aid for the purpose under consideration. The remedy was one which had already failed, and he wished to know whether the Government had no other resource which they could apply to the satisfactory settlement of this question?

Question put.

The House divided:—Ayes 110; Noes 73: Majority 37.—(Div. List, No. 246.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

POST OFFICE—POSTAL MESSENGERS AND LETTER CARRIERS.

OBSERVATIONS.

MR. H. B. SAMUELSON called attention to the position of certain letter carriers and messengers, and urged that the pay and allowances of all such

public servants ought to be based on an equitable scale. His clients, he remarked, were a very numerous body, and their demands were so reasonable, so just, and so small, that while the concession of them would confer a boon upon the men, they would necessitate but an inappreciable claim upon the public purse. Those whose cause he pleaded desired that equal labour should receive equal remuneration, and that letter carriers and messengers should no longer be an exception to the rule which obtained in connection with other employments—namely, that an increase of work and length of service meant an increase of pay.

MR. FRENCH supported the observations of the hon. Member for Frome.

LORD JOHN MANNERS said, no one had more sympathy with the position of the letter carriers than he had; but the proposition of the hon. Member was impossible. There were 22,000 persons in the employment of the Post Office as letter carriers; some were employed the whole day, some only during the portion of the day; some of them had to walk long distances, while some had less duty to do in that respect. Such being the case, it would be impossible to carry out the proposal of the hon. Member. He was not aware of any great hardships in the Service. If any case did occur, he would take care that it should be inquired into at once.

SIR CHARLES W. DILKE wished to have some explanation of the terrorism exercised over the employés.

LORD JOHN MANNERS said, he did not know that any such thing existed.

MR. EARP put in a plea for better clothing for the men. They should have waterproofs in wet weather.

MR. MACGREGGOR was glad to hear that there was no terrorism in the Service, and he hoped that, if hereafter a postman petitioned that House, or communicated with a Member of that House, he should not be dismissed for doing so.

MR. MACDONALD said, he had known of instances of terrorism, and wondered how they had escaped the attention of the noble Lord.

MR. BIGGAR said, the noble Lord must either be unfit for his office, or else he was stating to the House that which was not the fact. ["Order, order!"]

He did not mean to accuse the noble Lord of wilful falsehood; but any person who stated that terrorism did not exist in the Service must be incompetent to fulfil the duties for which the noble Lord received several thousands a-year.

Original Motion, by leave, *withdrawn*.

Committee deferred till *Wednesday*.

NAVY—H.M.S. "INFLEXIBLE" AND "CAPTAIN."

MOTION FOR A PAPER.

CAPTAIN PIM moved that there should be added to the Papers on the *Inflexible*, a Return of the curves and stability of the ship, and of the *Captain*, stating that the curve of stability of the lost ship *Captain* was double that of the *Inflexible*.

Motion made, and Question proposed,

"That there be laid before this House, a Return to be added to the Return, Navy (H.M.S. 'Inflexible'), No. 295, 1877, the curve of stability, with the Report, dated 23rd August 1870, of H.M.S. 'Captain,' with the curves e, f, and g of H.M.S. 'Inflexible' set out thereon to the same scales; also the Letter of the late Chief Constructor, dated 23rd August, published in the 'Times,' 24th August 1870, and the submission of the late Controller, dated 24th August 1870, respecting the stability of H.M.S. 'Captain.'"—(Captain Pim.)

MR. A. F. EGERTON considered it inadvisable that while this subject was under consideration by a Committee further Papers should at present be issued, and he pointed out that the curves of stability of the two vessels could not be properly compared. It would be unnecessary and also misleading.

Question put.

The House *divided*:—Ayes 17; Noes 25: Majority 8.—(Div. List, No. 247.)

PARLIAMENTARY AND MUNICIPAL REGISTRATION BILL.

NOMINATION OF SELECT COMMITTEE.

MR. MARTEN moved that the

Select Committee to consist of Twenty-one Members:—MR. ATTORNEY GENERAL, THE LORD ADVOCATE, MR. BIRLEY, MR. BOORD, MR. COTES, SIR CHARLES W. DILKE, MR. DODDS, MR. FLOYER, MR. GOURLEY, MR. HAMOND, MR. HIBBERT, MR. ROWLEY HILL, MR. ISAAC, MR. CHARLES LEWIS, and MR. MELDON, nominated Members of the said Committee.

Mr. Biggar

Motion made, and Question proposed, "That The O'Donoghue be one other Member of the Committee."

MR. BIGGAR objected to the nomination of the hon. Member for Tralee (the O'Donoghue), on the ground that he did not represent the opinions of any section of the Irish people.

MR. MARTEN hoped the objection would not be pressed. The name of the hon. Member was proposed at the express request of several hon. Gentlemen from Ireland.

SIR CHARLES W. DILKE remarked that while Ireland was represented by three Members, Scotland had only one Member.

Question put.

The House *divided*:—Ayes 34; Noes none.—(Div. List, No. 248.)

SALE OF FOOD AND DRUGS ACT (1875) AMENDMENT BILL.

On Motion of MR. ISAAC, Bill to amend "The Sale of Food and Drugs Act, 1875," ordered to be brought in by MR. ISAAC, MR. ASHLEY, and MR. HERSCHELL.

House adjourned at a quarter after
Two o'clock

HOUSE OF LORDS.

Tuesday, 24th July, 1877.

MINUTES.]—*Sat First in Parliament*—The Lord Erskine, after the death of his Brother.
PUBLIC BILLS—*First Reading*—Saint Catherine's Harbour, Jersey* (158).
Second Reading—Married Women's Property (Scotland) (154); Telegraphs (Money)* (152).
Third Reading—Factors Acts Amendment* (140); Registered Writs Execution (Scotland)* (157); Local Government Board's Provisional Orders Confirmation (Atherton, &c.)* (86)—(Caistor Union, &c.)* (94).

MARRIED WOMEN'S PROPERTY (SCOTLAND) BILL.—(No. 154.)

(The Earl of Rosebery.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF ROSEBERY, in moving that the Bill be now read the second time, said, the measure was a reproduc-

tion of one introduced in the other House of Parliament with the view of protecting the property of married women. Originally its provisions were somewhat more extensive than they were at present; but on the advice and with the consent of Her Majesty's Government they had been reduced to two clauses. The first protected the right of a married woman to the wages she earned herself. The second protected the husband, in return, from debts contracted by the wife before marriage except to the extent of any property which she might have brought him in marriage. These were the only two clauses of the Bill, and corresponded with the 1st and 12th clauses in the Married Women's Property Act, 1870, which was now the law in England and Wales.

Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Thursday* next.

ARMY (PROMOTION)—PAPER PRESENTED.—NOTICE.

EARL CADOGAN said, he had to-day laid on the Table a Memorandum containing and explaining the provisions which it was proposed to embody in a Royal Warrant consequent on the recommendation of the Royal Commission on Promotion and Retirement in the Army. It was hoped that the Paper would be in the hands of their Lordships on *Thursday* morning, and he proposed to call attention to the subject on *Monday* in order to afford an opportunity, which he understood was desired, for discussion of the whole question.

House adjourned at half-past Five o'clock, to *Thursday* next, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 24th July, 1877.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Board's Provisional Orders Confirmation (Hyde, &c.) * [263].

Committee—South Africa [195]—R.F.; County Officers and Courts (Ireland) (*re-comm.*) * [264]—R.F.

Committee—*Report*—Solway Salmon Fisheries * [250].

Withdrawn—Hypothec (Scotland) * [32]; Union of Benefices * [95].

QUESTIONS.

THE COST OF PRINTED RETURNS. QUESTION.

MR. HERMON asked Mr. Speaker, Whether, considering the number of Returns that were moved for by hon. Members, and their great cost, it would not be desirable that in future every Member moving for Returns should append to them the probable cost, so that hon. Members might be able to judge in some measure whether it was desirable to vote them or not?

MR. SPEAKER said, it was a matter for the consideration of the House, and not for the Speaker.

METROPOLITAN POLICE—GRATUITIES FOR SPECIAL SERVICE.—QUESTIONS.

MR. WAIT asked the Secretary of State for the Home Department, Whether the equalisation of the gratuities paid to the police on duty at the South Kensington Museum promised by him will be extended to the police on duty at the Houses of Parliament?

MR. ASSHETON CROSS, in reply, said, that the arrangement made with regard to the gratuities in question, when the services of the police were required for the civil department of the Government, were that in future they were to be allowed a fixed gratuity of 1s. per day. That was the sum given to all constables employed within the Houses of Parliament. It was not proposed to interfere with the existing arrangement, as the service was entirely voluntary. Under any circumstances, it must rest with the department by whom the services of the police were required to say whether they would give any gratuity or not.

MR. WAIT inquired if the men were paid extra during the Recess.

MR. ASSHETON CROSS: No. They were only paid so long as their services were required.

CHRIST'S HOSPITAL INQUIRY.— HERTFORD SCHOOL.

QUESTION.

MR. FAWCETT asked the Secretary of State for the Home Department, Whether he can now inform the House

whether the present inquiry into Christ's Hospital will be extended to the school where the junior boys are educated at Hertford?

MR. ASSHETON CROSS: The gentlemen who at great personal inconvenience have been good enough to undertake the duty of inquiring into the recent lamentable circumstance at Christ's Hospital are now engaged on it. I could not ask them to go into a general inquiry into Hertford School at the same time; but I believe that so far as an inquiry into Hertford School is necessary for the immediate purpose of the inquiry they are willing, and I believe they have gone into the subject. If it should appear necessary that a further investigation should take place into Hertford School, I shall be happy for them or others to take up the inquiry as soon as the Recess begins.

GIBRALTAR—TRADE ORDINANCE. QUESTION.

MR. KNATCHBULL - HUGESSEN asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government intend, without further inquiry or consideration, to put into operation the Ordinance by which Gibraltar will be deprived of her position and privileges as a free port; whether that Ordinance has been framed for the protection of any British interest, or for the protection of the Spanish Customs' revenue; whether, before framing the said Ordinance, Her Majesty's Government has called the attention of the Spanish Government to the inducement to smuggling afforded by their fiscal system, and the alleged connivance thereat by Spanish officials; whether it has been represented to the Government that the proposed Ordinance will throw 2,000 men out of employ, and seriously damage the British colony of Gibraltar; and, whether, under all the circumstances, Her Majesty's Government will not suspend the operation of the said Ordinance until full inquiry shall have been made by an independent Commission as to the effect likely to be produced thereby upon the port and trade of Gibraltar?

MR. J. LOWTHER: I hope the right hon. Gentleman will not think that I am taking a liberty if I point out to him the extreme inconvenience that arises

from raising important issues of this kind in the form of a Question, especially when Notice has been given by the hon. Member for Burnley (Mr. Rylands) in his place of his intention to call the attention of the House to the whole subject, when an opportunity will, no doubt, arise that will enable me to explain in detail these somewhat complicated questions. The right hon. Gentleman must excuse my answering them categorically. I must, however, point out that he assumes as facts many things which are not facts at all; and from certain other facts my right hon. Friend has drawn, as I venture to think I shall be able to show, an entirely wrong conclusion. I cannot, however, allow it to go forth even for a day that this matter has been hastily decided on by Her Majesty's Government. The matter has for seven years past been under the anxious consideration of the Colonial Department. During a moiety of that time I have had some share in the consideration of it, and during the other moiety my right hon. Friend must accept responsibility. I must also say that with regard to the proposed Ordinance throwing a large number of persons out of employment and seriously damaging the Colony, our information does not allow us to admit the fact. The only effect of this Ordinance is to put down avowed smuggling. [Mr. RYLANDS: No, no!]

MR. KNATCHBULL - HUGESSEN said, that he would to-morrow ask the Chancellor of the Exchequer, Whether, considering the great importance of the subject, and the feeling in the Colony, he would afford that discussion of the subject which the Under Secretary desired, and not leave it the casual and improbable chance of discussing it in Supply.

MR. J. LOWTHER: The Ordinance has been on the Table of the House for upwards of a month.

ROADS AND BRIDGES (SCOTLAND) BILL—QUESTION.

MR. E. JENKINS asked the honourable Member for Lanarkshire, Whether he can see his way to facilitate the passing of the Roads and Bridges (Scotland) Bill, by withdrawing any portion of the 77 Amendments put down in his name?

Mr. Fawcett

SIR WINDHAM ANSTRUTHER, in reply, said, he had carefully considered the Bill, and its inherent defects rendered the Amendments he had laid on the Table, in his judgment, absolutely necessary. Consequently, he regretted he could not withdraw any portion of those Amendments.

ENGLAND AND RUSSIA—THE MEDITERRANEAN GARRISONS.

QUESTION.

MR. WHALLEY asked Mr. Chancellor of the Exchequer, with reference to the dispatch of troops to Malta, Whether in any contingency contemplated by Her Majesty's Government action hostile to Russia will be adopted; and, if so, what is the contingency contemplated, and does any other European Power concur in such action or policy; and, whether the Government have not already received from Russia complaint of breach of neutrality; and, if so, will he lay upon the Table a Copy of such as may be in writing?

THE CHANCELLOR OF THE EXCHEQUER: Her Majesty's Government have received no complaint from Russia of any breach of neutrality, either in writing or otherwise. I must decline to answer the other Questions.

FRANCE—THE TREATY OF COMMERCE — THE NEGOTIATIONS.

QUESTION.

MR. SAMPSON LLOYD asked the Under Secretary of State for Foreign Affairs, Whether the negotiations for a renewal of the Treaty of Commerce with France are now being continued; and, if not, when it is intended to resume them?

MR. BOURKE: The negotiations for the renewal of the Treaty of Commerce with France are suspended for the present, and the proposals which were made by the Commissioners at the late Conference in Paris are now under the consideration of Her Majesty's Government, together with the proposals made by the French Government. When the elections now pending in France shall have been concluded the negotiations will be renewed.

POST OFFICE — MAIL PACKET CONTRACTS.—QUESTION.

MR. RATHBONE asked the Postmaster General, Whether, as in the case of other subsidised lines, notice will be given to the Peninsular and Oriental, and the Royal Mail Steamship Companies to terminate the present contracts as soon as they legally can be terminated; and, whether assurance can be given that ample notice and opportunity will be given to enable all in a position to tender for the services now performed by those Companies to do so?

LORD JOHN MANNERS, in reply, said, that the subject was under the consideration of the Government, but no decision had been come to. No doubt in a day or two he would be able to give the hon. Gentleman the information he required.

PARLIAMENT—METROPOLITAN COMMONS BILL—LORDS' AMENDMENTS.

QUESTION.

SIR CHARLES W. DILKE desired to put a Question to the Speaker with regard to something which occurred late in the previous sitting of the House, when the Chairman of the Metropolitan Board of Works moved that the House should consider the Lords' Amendments on the Metropolitan Commons Bill. The hon. and gallant Gentleman (Sir James M'Garel-Hogg) was no doubt justified in point of form in taking that course, because the Amendments had been printed, and were at the time in the Vote Office; but he (Sir Charles Dilke) wished to ask the Speaker whether the custom of taking the Lords' Amendments on Bills before those Amendments were circulated amongst Members was not one which ought to be put a stop to. The Amendments in the present instance were of a nature to essentially alter the character of the measure; and he asked whether the understanding arrived at towards the end of last Session with regard to Lords' Amendments ought not to be adhered to, so that Members might have a fair opportunity of considering them?

MR. SPEAKER, in reply, said, that while it would no doubt be more convenient that the Lords' Amendments should not be considered before they were actually in the hands of Members, the

hon. and gallant Gentleman had been perfectly within his right in moving that the Amendments in question should be considered. Their consideration, however, could have been stopped if the proposal had been challenged by any hon. Member on the ground that they had not been circulated.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTION.

MR. DILLWYN asked, Whether the Chancellor of the Exchequer could inform the House what Business would be taken to-morrow?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Bills which stood on the Paper for that evening indicated the order in which the Government desired to proceed with Business to-morrow — namely, the East India Loan Bill, the County Officers and Courts (Ireland) Bill, and the Summary Jurisdiction Amendment Bill. If the South Africa Bill were not finished that evening, it would be taken first to-morrow, and the other Bills he had mentioned would follow.

USSIA AND BULGARIA—THE CZAR'S PROCLAMATION.—QUESTION.

MR. E. JENKINS asked what was the reason of the delay with regard to the presentation to the House of the Czar's Proclamation to the Bulgarian people?

MR. BOURKE, in reply, said, his impression was that he had not promised to present it as a separate Paper. His intention had been to lay it on the Table with other Papers. If there was a great desire on the part of the House, he should have no objection to produce it immediately.

ORDERS OF THE DAY.

SOUTH AFRICA BILL. [*Lords.*] [BILL 195.]

(*Mr. J. Lowther.*)

COMMITTEE.

Order for Committee read.

MR. J. LOWTHER, in moving that the House go into Committee on the Bill, said, that the discussion which took place on the second reading showed that

Mr. Speaker

there was a general concurrence of opinion in favour of the principle of the Bill. It was true exceptions to it were taken by certain hon. Members, notably by the hon. Member for Liskeard (Mr. Courtney), who freely criticized the conduct of all directly or indirectly connected with the affairs of South Africa for some years past, but whose views were not shared generally by the Members of the House. One subject to which the hon. Gentleman had alluded was the recent annexation of the Transvaal. It would, however, be unnecessary to refer further to that matter at present, because the House would have an opportunity of discussing it, when he moved for a Vote of £100,000, to defray the expenses of that new Colony. On the second reading he felt bound to avail himself of the first opportunity of explaining the grounds upon which the annexation had been assented to by the Government, because Ministerial statements were not the order in that House, and opportunities for Members of the Government to declare their policy upon any subject did not arise unless some Member brought forward a Motion thereupon, but having done that he should now leave the matter until the Vote was proposed. The speeches addressed to the House on the second reading of the Bill were, taken as a whole, most satisfactory from a Government point of view. An able and convincing speech in support of the Bill was made by the right hon. Member for Sandwich (Mr. Knatchbull-Hugessen), whose advice, however, as to the duty of a Member in moving the second reading of a Bill he could not adopt, for he did not admit it was his duty to provide material for replies or padding for comments on the Government scheme. He had purposely abstained from troubling the House with any remarks on the elementary principles or early history of Confederation, and he passed over the mission of Mr. Froude because it was now an old story, and he did not care to exhume the, perhaps, forgotten views of periodical reviewers. He did not think that a subject which when fresh had failed to command any very general interest was one which it was wise to intrude on the notice of the House. The mission of Mr. Froude was a matter of comment at the time, and an hon. Member gave Notice of his purpose to call attention to

the subject, but somehow he failed to do so, and, although the Government desired an opportunity of making explanations which would then have possessed some public interest, such an opportunity never presented itself. Afterwards, when the Vote of £1,000 for the travelling expenses was moved silence reigned supreme. It would be unbecoming in him, nor did he feel called upon, to justify the whole of Mr. Froude's proceedings to the House. While that gentleman had rendered most valuable services to the Colonial Office and to this country, and while he had most efficiently performed a patriotic and thankless task, he (Mr. Lowther) could not accept the obligation of accounting for all the proceedings of this eminent man during his absence from this country. Mr. Froude was in no sense a representative of Her Majesty when he went out to South Africa. He was not a Governor, but was employed in a special service without remuneration, and the Colonial Office was not therefore called upon to be responsible for all his movements. While Mr. Froude was no doubt performing great public services he was quite as much justified in attending a dinner in Port Elizabeth as he would have been at home in attending a "Bag and Baggage" meeting at St. James's Hall. The hon. Member for Liskeard had sought to represent this great principle of Confederation as a personal crotchet of the Secretary of State, and he had spoken as if Lord Carnarvon, in season and out of season, had endeavoured to force this policy upon the unwilling Colonists. It was true that his noble Friend had performed a great public service, and that his name would always be honourably distinguished in connection with the British North America Act; but as in this project of South African Confederation the Government could look for the support of both sides of the House and of the British Colonists throughout the world, it was impossible to accept the compliment he desired to pay Lord Carnarvon exclusively. He could not admit that his noble Friend was the only man who could lay claim to any credit in connection with Colonial Confederation. The Secretary of State had had predecessors and successors who had laboured earnestly in this cause. While it had fallen to the lot of his noble Friend to carry the

British North America Act, yet the Confederation of the Leeward Islands in 1871 was carried by the late Government, and there was ample proof that this policy had commended itself to both sides of the House and to men of all political opinions. Then, could it be said that this was a policy forced upon unwilling Colonists? He would only point to the proposed Confederation of the Windward Islands which had been suggested at different times by the Colonial Office and by various Governors. When, however, it appeared that the subject had been brought forward prematurely, and when, owing in great measure it must be admitted to the indiscreet manner in which the subject had been locally handled, the Colonists decided not to go forward with it, the subject was immediately abandoned by Lord Carnarvon, and no attempt was made to force the system upon the Colonies. Again, the subject of the Confederation of the Australian Colonies had been frequently mooted, and often recommended. It had not appeared, however, to Lord Carnarvon that the time had arrived when that great subject could be brought forward, and there had been no attempt to obtrude this policy upon any Colony which was not ripe for its discussion. The agitation of this particular project was therefore not due to any anxiety on the part of Lord Carnarvon to force it upon the Colonists. The hon. Member for Liskeard said that there was no chance of the successful adoption of this Bill by the South African Colonies, and that there was no disposition to accept the principles involved. Now, what were the facts? In 1858 the Orange Free State passed a resolution that they were convinced that the alliance with the Cape Colony, whether it became the basis of Confederation or otherwise, was desirable, and therefore it was resolved that a correspondence should be entered upon with the authorities for the purpose of planning the approximate terms of the Confederation. This subject was also considered at the Cape. It was true that the authorities of the Cape had not signified their actual approval of the Bill, but the subject had received the very favourable consideration of the Colony. A Committee or Commission which sat in 1871 reported that while some whose opinions were entitled to respect thought that until the

Free States of the Transvaal and Natal showed a disposition to Confederation, and until certain districts named had been annexed, no change was necessary or could be expected, yet a time might come when the advantage of union among the South African Colonies for the formation of a strong Government powerful enough to protect and, to a certain extent, to control the several members, would become apparent to all. He believed that that day was not very far distant. In 1875 it had been proposed that a Conference of the Colonies and States of South Africa should be summoned to consider this subject. The Council of Natal passed a resolution endorsing the principle of Confederation. The Legislative Council of another Colony passed a similar resolution. Therefore, so far from this policy originating in the Colonial Office, and being forced upon unwilling Colonists, it was evident that it had originated in the Colonies themselves, and that the action of the Government had been confined to placing within the reach of the Colonies the powers which they considered it expedient to possess. The essential principle on which the Bill was framed was the establishment of certain general outlines, leaving the details to be filled in according to local requirements and circumstances, and enabling the Colonies, or any of them if they thought it expedient, to form themselves into a Union. The principal Amendment of the hon. Member (Sir George Campbell) referred to a subject which had been most carefully considered by his noble Friend (Lord Carnarvon) and himself. It would be impossible to accept Amendments in the clauses which were contrary to the principle of the Bill; but the Government had acted with a sincere desire to approach a subject which had nothing to do with Party in a spirit of conciliation and compromise. The Amendment of the hon. Member for Kirkcaldy to which he referred, dealt with what he would admit to be the cardinal difficulty of South Africa—the question of the Natives. The Government had the same object in view as the hon. Gentleman, only he proceeded in a different way. The hon. Gentleman proposed by a stroke of the pen to lay down a compulsory hard-and-fast line with regard to the treatment of the Natives. The Government, on the other hand, held

that while special caution was required as to the control of the central authority over the action of the local Legislatures, the details of that, as of many other matters of local government, should be left to the consideration of the Colonists themselves. One feature of the Bill was that all measures affecting the Natives, and all measures passed by the Union Parliament for dealing with the Natives, should be referred for Her Majesty's approval—or, in other words, for the decision of the Home Government. That was a greater protection to the Natives than anything that could be inserted within the four corners of the Bill. The Bill would remove from the local races all jealousies as to the treatment of the Native tribes, and would retain in the hands of the Home Government that control which the hon. Gentleman by his Amendment sought to secure in a diluted form. The Petition spoke of the abolition of all distinction of race, colour, and creed, and that was a very easy thing to say and sounded extremely well. But let them take the Colony of Natal for instance, with its 17,000 White inhabitants and its 280,000 Black. The suggestion which had been made by the hon. Member for Liskeard would simply establish in South Africa a principle of government which of late had brought such discredit on the southern portion of the United States. The history of the world showed that while the uncontrolled predominance of the White races over the Black had not always been tempered with justice and reason, the predominance of the Native races did not tend even to their own credit, and that it was not productive of good government. Some modification, therefore, of the proposal would be necessary if the House thought that the provisions and special reservation of the Bill did not meet the necessity of the case. He believed that the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), in whose judgment on this question the House would be disposed to place great confidence, would be prepared to assist the Government in framing words to meet the necessities of the case; and he assured the House that Her Majesty's Government would approach the subject with every desire to obtain such a settlement of the question as would satisfy the House, and be acceptable in South Africa. With regard

Mr. J. Lowther

to the clauses of the Bill, their main features resembled those of the British North America Act. Many details which found place in that measure were absent from this—the position of that Bill being more advanced, having been previously subject to much local consideration. With respect to the South Africa Bill, it had been found necessary to leave to local consideration many matters which could not be made the subject of the Bill. But in its main features it resembled the Act to which he had referred. There were to be two Chambers in the Union Parliament possessing the same characteristics as the two Houses of Parliament, with the exception that there was no hereditary Peerage to fall back upon in South Africa. The constitution of the Upper Chamber had been left for further consideration. The different Colonies of the world had not adopted by any means a like system of election to their Upper Chambers, and it was felt that that subject should receive careful consideration, and that local susceptibilities should be narrowly consulted. The Colonial Legislatures would consist of a single Chamber. The object of leaving those matters for further local consideration was one on which he need not dwell. He might be asked, if they left so much to the consideration of the localities, why did they put in any framework in the Bill? His answer was that, whereas many details required local consideration, general principles should in the first instance be laid down. Accordingly, the general principles on which the future union might be framed were indicated in the measure. The object of the Bill in another respect was to promote a commercial union. The existence of Customs regulations and duties in the various Colonies would by the Act be removed, and it would secure the very great advantage of free commercial intercourse between the various Colonies and States in South Africa. The reason why the Bill had been urged now upon the attention of Parliament might require a word of explanation. It might be said why, if the matter was not fully decided upon in the localities, and there being so great a pressure of Business at this late period of the Session, hurry the Bill forward? Well, the state of affairs which had for some time existed in South Africa, and which had recently culminated in serious

military events, did not allow them longer to dally with the question. In the matter of Canada and other Provinces federation was a matter of mere convenience—a measure for the promotion, among other things, of greater economy of administration; but in the case of South Africa it was one of vital and prominent importance. The Kaffirs, no insignificant foes at any time, had of late years availed themselves of great facilities of purchasing arms; and the power of organization among other Natives was much greater than was popularly believed to be the case. The facts which came before the Government from time to time showed that it was necessary that some measures should be taken, and that promptly, if the White inhabitants of South Africa were not to be landed in the horrors and perils of a Native war. It was said that recent events as regarded South Africa were a reversal of the policy which prevailed in 1852. That policy, he was happy to say, was one which bore no resemblance to the declared policy of Her Majesty's Government. For his part, he looked back with feelings not unmingled with shame to the events which occurred at the time. Considerable apathy then existed in the minds of the public with regard to our Colonies; and while the public voice was silent a small minority arrogated to themselves the expression of public opinion, and declared that that opinion was in favour of a policy of abandonment. He believed that that policy was not a true test of public opinion. The almost unanimous voice of the public pronounced clearly and unmistakeably against any such policy; and he believed there was no determination arrived at by Her Majesty's Government in which they were more strongly supported upon both sides of the House and throughout the Colonies, than the resolve that whatever changes might occur with regard to the Colonies of the Crown, their diminution would not be the prominent feature of their policy. On the other hand, there was no greater mistake than to suppose that the Government had acted upon an aggressive policy. The present and the late Governments had always maintained friendly relations with the bordering States in South Africa. Recent occurrences had revealed the friendly relations which existed between the British Government and the Dutch Na-

tives of the Transvaal. The wish of the Government had always been to work cordially along with them, and to co-operate without jealousy with those whom they always regarded as their partners in the great work of carrying civilization into that Continent. He could assure the House that the Government, far from wishing to interfere with the rights of others, would sanction no infringement of liberties except in cases of emergency where danger was very imminent. The Government were not in any way disposed to consider the policy of abandoning the Colonies, nor had they any desire to coerce them into union; but, in his opinion, they had done their duty in placing within their reach the means of protecting themselves against local danger. It had been the fashion at the time to which he had referred to speak of the Colonies as sources of expense and anxiety in time of peace, and of danger in time of war. It was possible that in the past there might have been some truth in those gloomy views; and, no doubt, Colonies which possessed no means of defence, but which always required the support of the Home Government and of the British Army, had to a certain extent formed a tax on the national purse and the resources of the country. It was to remove that anxiety and responsibility which had hitherto been borne by the Mother Country that the Government wished to make the Colonies self-sufficient and self-dependent in all ordinary contingencies, and able to do without the help of the Mother Country, except in the case of a general and extended war. He desired that the Colonies should themselves have the necessary means of carrying out the scheme, and all that the Bill did was to enable them to strengthen those bonds of loyalty and affection which always united the British Empire. He trusted, then, that the House would give those important Dependencies of the Crown the means of increasing not only their own strength, but also that of the Empire.

Motion made, and Question proposed,
 "That Mr. Speaker do now leave the Chair."—(*Mr. J. Lowther.*)

SIR GEORGE CAMPBELL, in rising to move, as an Amendment,

"That no measure establishing a self-governing Federation for South Africa will be satis-

Mr. J. Lowther

factory, unless direct provision is made for a settlement of the relations of the white and the black races,"

said, that the previous discussion had not been at all satisfactory, and he was very glad that another debate should be held, and that the House should hear the very clear exposition of policy by the Under Secretary of State for the Colonies. His Amendment raised a very important issue, and one which it was in every way desirable to discuss. He could not, therefore, concur with the hon. Member opposite in deprecating further debate. He congratulated himself that the hon. Member had expressed himself willing to meet suggestions made on the subject, especially by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). Now, it was quite a mistake to imagine that the Amendment was intended to suggest a hard-and-fast rule of treatment for the population of all the Colonies; that was not at all his object, and he was not prepared to make any such suggestions. But some principle, at any rate, ought to be laid down for dealing with this most important subject of Native races, before the Colonies were cast adrift and rendered self-governing. The hon. Member had said that from the experience of the United States it would not do to lay down a general rule that all men should be equal before the law. That might be very likely the case; but then, on the other hand, the domination of the Whites over the Blacks had been a complete failure. The Amendment was intended to advocate a course between the two extremes. No question would arise if the House were dealing only with Whites; but the mixed Colonial population constituted the difficulty, and nowhere presented greater obstacles than in South Africa. In America and Australia the Natives had disappeared before the White man, and the Native population of New Zealand was extremely small; but in South Africa the number of Natives was very large indeed, and the question how they might best be dealt with was proportionately great. The Bill did not grapple with the difficulty adequately or properly; but, on the other hand, it practically created a vast new Empire. It was, in fact, so important that it was hardly right to leave it till the far-end of the Session, unless, indeed, the matter were very

urgent. But the hon. Member opposite had failed to show that the Bill would provide a way out of the difficulties he had enumerated. All he had done was to read two or three extracts, some of them not quite new, tending to show that Confederation might be a good policy. That, however, was no proof of the necessity of the Bill, and he would remind the House that the Colonies had not desired it. He doubted, therefore, whether it were wise to proceed with the Bill. He had great faith and belief in the patriotism of Lord Carnarvon, but the scheme of the Bill might, perhaps, not be carried out in his time, and he knew not in whose time full effect would be given to it; but in any case it would be in the time of some Minister who must to a certain extent be permeated and saturated with the influences of the Colonial Office, which were not always of a healthy character. It was quite clear to his mind that just as the British Empire had advanced in America and India, so it was destined to advance in Africa till its territory included all the districts which had hitherto been visited. We had the great question of the White and Black races to settle. We had to determine if we passed this Bill whether South Africa should be a new America or a new India; in other words, whether the Government should be one in which the White race should entirely prevail over the Black, or whether, as in India, the Mother Country should hold a strong and even hand between the two races. The right principle was that the Colonists of White race should govern themselves if they chose. He asked, did it necessarily follow that White men settled among a Black race should not only govern themselves but every one else? That was the question we had to settle. There was a very great want of some fixed system in the government of our Colonies; in that respect we had vacillated a good deal. While we at one time governed them for their own benefit, we now went to the other extreme, and allowed the Colonies to govern themselves in a manner which made them practically independent. He was unwilling to hand over the Black race, without protection, to the White. If this Bill passed, the independence of the Natives would depend entirely on the Governor sent out from this country. These Governors generally did justice to

the best of their power; but they were subjected to strong influences to which they yielded too often. Wherever Sir Henry Barkly, himself one of a slave-owning family, had been, injustice had been done to the Natives. Still, all men spoke well of Sir Henry Barkly. But in the case of other Governors who had done justice to the Natives, their lines had not fallen in pleasant places; they had been sent into exile in unpleasant posts. In South Africa we had not only social difficulties, but political difficulties of an overwhelming character to deal with. Where the Natives were in possession of arms, as in South Africa, the question of the relation of the White and Black races was much more complicated than elsewhere. This Bill did not deal with the question. The difficulty had been acknowledged, but this thing was only clear with respect to the Bill—the Bill was the skeleton of a skeleton. It did not provide for much; but for one thing it did provide, that the Constitution should be on the model of the Constitution of Free Colonies and the Assembly should be entirely elective. If the Bill passed, there would be an end to the system of nominee members. It was not contemplated that the Natives should have votes in the first instance, as far as regarded the Legislative Assembly of the Union at any rate. Lord Carnarvon had said—

“I am disposed to think, for a time at all events, and until the civilization of the Natives of South Africa has made considerable progress, it would be desirable that they should not be directly represented in the Legislative Assembly of the Union.”

It was provided in so many words that Native affairs should be in the province of the Colonial Legislatures. He admitted that in section 58 it was laid down that all laws relating to Natives and Native affairs should be reserved for the pleasure of Her Majesty. But supposing there were no laws with regard to Natives and Native affairs, and that the Colonial Legislatures said—“We shall have only one law for the Black and White races.” What would be the consequence? Under the semblance of equality, there might be oppression of the Natives, in the absence of special laws for their protection; for the power that was reserved to the Crown and the British Parliament would in practice be almost nominal, and was

one which, except under extreme circumstances, it would be impossible to exercise. If we interfered at all, it would be said that we must bear the responsibility and the cost; and, in order to prevent a difficulty of that character, we ought to provide a machinery by which the relations of the two races should be settled satisfactorily. Among the subjects within the power of the Provincial Councils was that of immigration, which substantially meant the immigration of the Black races; and the necessity for special laws with regard to the immigration of the Natives of India, which had already begun, was shown by the fact that there was a difference between the India Office and the Colonial Office on the subject, the former declining to encourage emigration, because the Natives of India were not protected in the Colonies. The passing of this Bill as it stood would amount to a washing of our hands of the South African Dominion, and the result would be that we should not have power to protect the dark races. The Bill was one which ought not to be rushed through Parliament at the very fag-end of the Session, without any necessity whatever for such hurried action. There were many important points to which due consideration had not been given. In the Cape Colony much had been done towards solving the problems involved in the government of the Black races, to a large section of whom political and social rights had been given; but there were passages in the Papers pointing to an idea that the federation might not include the Cape Colony, so that the dark races would lose the benefit of its influence and experience, which none of the other Colonies would be able to supply, as none of them had done anything to educate and elevate the Natives. Cape Colony was most important to us in an Imperial point of view as being the chief station on our route to India in the event of the Suez Canal being blockaded, and it was not likely that in case of this confederation being brought about, it would be English either in nationality or in sentiment. If the Bill contained a provision binding the Colonies to give due protection and securing justice to the Native races, and the Colonies accepted it with that provision, he, for one, would vote for Confederation. If such a condition was

Sir George Campbell

not accepted, he said that no Confederation should take place. He hoped the Government would see its way to accepting the Amendment which he had placed on the Paper. He hoped that hon. Members would fully weigh the gravity of this subject; for he believed the time would come when the proceedings of Parliament in connection with it would be found to constitute a turning-point in the history of the world. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure establishing a self-governing Federation for South Africa will be satisfactory, unless direct provision is made for a settlement of the relations of the white and black races,"—
(*Sir George Campbell*.)

—instead thereof.

MR. W. E. FORSTER observed, that the Amendment of his hon. Friend who had just sat down, and still more his able speech, certainly pointed to a subject of great interest, and which involved considerable danger. It must be remembered that this was practically a debate upon the second reading of the Bill before the House, and that therefore a discussion might fairly be had upon it. Without going quite so far as his hon. Friend in asserting that this was a turning-point in the history of the world, he could not but feel that this measure was one which involved the future of our South African Colonies and of millions of Natives. He believed there was a general feeling in the House in favour of confederation. That feeling was prompted by the hope that confederation would strengthen the Colonies, and was an evidence, if evidence were wanting, that the old-fashioned jealousy which used to exist between the Mother Country and the Colonies had now entirely departed. There was nothing which they more desired than to see the Colonies prosperous and powerful; and they looked forward with satisfaction to those Colonies associating upon equal terms with ourselves at some future time. But he did not think that the explanation which had been offered in regard to the Bill now before the House was quite sufficient. While they were all agreed that confederation was desir-

able unless there were special reasons against it, the House must remember that the present measure was of a very remarkable character. It was not a Bill which declared the confederation of the South African Colonies, but one which gave power to the Government of the day to make the conditions upon which those Colonies should confederate. In these circumstances, there never was a Bill which had been brought before Parliament which required more explanation than this measure did. He did not dispute for a moment that a most satisfactory explanation of the measure might be given, and, on the whole, he thought that the Government was right in making this proposal; but it was rather an extraordinary demand that Parliament should give *carte blanche* to the Colonial Office in this matter. There was the greatest possible difference between this Bill and the Canada Act in this respect. By this Bill the discretion given was carried to an extreme, and it would permit any two of the Colonies, however small, to confederate; whereas he was inclined to agree with the hon. Baronet (Sir George Campbell) that any South African Union ought to include Cape Colony, the civilization of which would extend to and benefit the whole community. The words "as the Queen may direct" occurred very frequently in the Bill, and they meant that discretion was left to the Colonial Secretary on the important questions whether there was to be Federation or Union; whether the Cape was to be in the Union; whether the Cape was to be divided into two Colonies; whether the Upper Chamber should be nominated or elected; and whether the Natives should or should not have the franchise. All these matters were left to the discretion of the Colonial Secretary, and the only body that under the Bill would absolutely lose all power of interference and never get it back again was the Parliament of England; because the 59th clause said that after the Union Parliament had assembled, and after the bargain had been settled between Lord Carnarvon and the Colonies, "this Act and any Order in Council made hereunder may be amended by an Act of the Union Parliament." No doubt this was a ship, and would be amended, but still these were the words at present in the Bill. If we gave discretionary power

to the Government we ought not to give it for ever. A certain term of years should be fixed during which, and during which only, the Act might be fulfilled; and if not made use of within that definite period the Act should expire, and the powers given to the Colonial Office should cease. He thought five years might be the term fixed, and he could hardly conceive that the Government would object to the introduction of a clause of that description. With reference to the present occupant of the office of Colonial Secretary, he did not suppose hon. Members looked forward to the Earl of Carnarvon or his Colleagues always remaining in their present places; but he must say that he had great confidence in his Lordship, and especially in his treatment of the Native races. Since this Bill was introduced there had been a curious illustration of the rapid changes which occurred in South African affairs. In bringing in the Bill Lord Carnarvon alluded to the Transvaal Republic as a State which he hoped would voluntarily come in. There was no notion of compulsory annexation in his Lordship's speech. He could not quite agree with his hon. Friend the Member for Kirkcaldy that the annexation of the Transvaal had nothing to do with the Bill; but after the changes which had occurred in South Africa since its introduction, he thought the Government ought to explain why they proceeded with it in its present shape. We could not altogether ignore this fact of the annexation. Instead of agreeing with his hon. Friend the Member for Liskeard (Mr. Courtney), he approved that annexation. He believed it to have been an absolute necessity. He was convinced that if the annexation had not been effected there would have been utter anarchy in an enormous district; and that until it was made there was the greatest possible danger of a most bloody and destructive war. The White population of the Transvaal were bringing on a most dangerous war, in which, in all probability, they would have been defeated and very nearly destroyed. Some might say that they ought to have been left to take the consequences. Practically, however, this country could not have suffered that result. It would have felt bound to come forward in their defence. For his part, he

believed there had never been a more decided attempt to use words in order to hide facts, or rather to pervert facts, that that which had resulted in the protest framed in Holland against the annexation of the Transvaal. The large majority of the Whites appeared to be in favour of that annexation, and as to the Natives nobody could dispute that the vast majority of them were favourable. Hon. Members might not be aware, however, of what the annexation would probably cost this country. It was no slight burden we had taken upon ourselves. The Transvaal was a country about as big as France, and the important part of the matter was that the annexation doubled the Native population under the British Crown in South Africa. Again, it was doubtful whether, in consequence of the annexation, the South African States, and especially the Cape, would be more disposed than they would otherwise have been to avail themselves of the opportunity offered them of forming a Confederation. The reason in the minds of many persons in South Africa for desiring Confederation was that they might get rid of the great danger of a Native war, arising from the independent attitude of the Transvaal Republicans. Confederation seemed to be the only way in which that danger could be got rid of under Colonial or Imperial management. Now, however, that we had annexed the Transvaal, the Cape would, perhaps, say—"Let us wait a year or two and see how they get on." Still, this did not in his opinion make it any less the duty of Parliament to pass the present Bill, in order to give an opportunity to all the Colonies of confederating. There was no doubt as to the advantages which the Whites would derive from confederation. In the matter of public works, for example, it would be a very great benefit. The real danger to be feared was connected with the Native policy of the States. There could be no doubt that if these Colonies became one self-governing State, they would have a power of carrying on their own affairs as they thought right, without this country being able to interfere with the same success as it could at present. This was a danger which would have to be faced. With regard to the treatment of the Native tribes there might be different views at home and in the Confederation,

and there might be a difficulty in exercising a control over the policy of the Confederation. On the other hand, it was of great importance to have a uniform policy carried out by the different States. It was most unfortunate to have on the part of the various Colonies such a different treatment of the Natives that they did not know what to expect, and contrasted their treatment in one district with their treatment in another. This was noticeable particularly in the matter of arms. In starting this great, powerful, and self-governing community it was necessary that certain principles should be laid down as the conditions of the exercise of its power. He did not say that they ought to be inserted in the Bill, but he had no doubt that Lord Carnarvon would have them inserted in the agreements with the Colonies. There were principles which England could not give up, and the Colonies must not suppose that if they disregarded those principles they would be left to themselves. Our Imperial position would not allow it, and the more frank and open we were on this subject with the Colonies the better. There was the principle that slavery was not in any way whatever to be renewed. It was not as unnecessary to make that statement, as some people might suppose, because slavery might exist although not mentioned by name. He believed that among the Kaffirs there existed a most disgraceful woman slavery, a man having the right to buy and sell his wives; and it was important that in our wish to act justly towards the Natives by governing them according to Native law such a point as that should not be overlooked. Leaving the question of slavery, he was sure they would all admit that there ought to be social equality independently of race and colour. A Native, for instance, ought to be allowed to hold land, which he was now debarred from doing in one or two of the States. As to the franchise, it was, no doubt, a matter of great difficulty. The first idea that occurred to his mind in connection with this subject was that the franchise ought to be given indiscriminately. A colour franchise was to him a most repulsive thing. On the other hand, a large proportion of the coloured men were undoubtedly savages, and it was clear we could not give them all votes. If we were to have

a franchise without distinction of race or colour, it would require to be a very high one both as regarded property and education—so high, indeed, that it might exclude a great many of the Whites. He did not know that there would be any great harm in that; but still the question would have to be faced. One of the best conditions to attach to an indiscriminate franchise would, he thought, be a knowledge of either the English or the Dutch language. Such a test, at all events, had been found advantageous in New Zealand. But although he suggested these considerations to the House, he hoped hon. Members would not suppose that it was impossible for the Natives to take part in a representative system of Government. On the contrary, Natives in South Africa had votes at this moment; and, for aught he knew, might be Members of the Legislature, like the Natives in New Zealand, a very able speech by one of whom he had read that very morning. He thought that in the matter of the franchise they ought to aim at two things—first, that they should look forward to the time when the qualification for the franchise should be independent of race or colour—and, secondly, that as long as any portion of the population by reason of their being savages were excluded from political rights there should be some representation of their interests in the Colonial Assembly—some guarantee that their interests should not be disregarded. No man, he believed, was more anxious to arrive at that result than Lord Carnarvon, although some words in a despatch of his to Sir Henry Barkly in December, 1876, seemed capable of a somewhat different construction. The noble Lord, speaking of the question of the franchise in South Africa as one of special difficulty, said he was disposed to think that, until the civilization of the Natives throughout South Africa had made considerable progress, it would be desirable that they should not have direct representation in the Legislative Assembly of the Union, although they might in some cases be allowed to vote for members of the Provincial Councils; but he (Mr. Forster) trusted those words had been penned by the Secretary for the Colonies without due consideration. He could not help fearing that Sir Theophilus Shepstone, in declaring that the Natives

of the Transvaal were not to have equal rights with the Whites, had been somewhat indiscreet. If he meant that they ought not to have votes immediately, he was right; but if he meant that they were not ultimately to have equal rights with the Whites, he went too far. He trusted that although we had arrived at a late period of the Session, the House would approach the discussion of the subject with all that consideration due to so important a measure, in the hope that out of it might come a Bill which was calculated to promote the interests of such a large portion of Her Majesty's subjects.

MR. E. JENKINS, who had a Notice on the Paper to move—

“That this House, while approving generally of the principles of this Bill, and of the Confederation of Colonies which are contiguous and associated in interest, regrets that no effectual reason has been given by Her Majesty's Government why the initiation of a scheme of Confederation should proceed from the Imperial Government, and not from the Colonies themselves,”

said, he regretted that the discussion had taken so wide a range as partly to conceal from public view the importance of the question which had been raised when the scheme of confederation was brought before the House. At that moment the Government appeared before the House with a Bill in which the interests not only of the future of the Colony immediately concerned were involved, but possibly the interests of this great Empire, inasmuch as the principles it embodied might be adopted in the case of groups of Colonies in other parts of the world than South Africa. As one who had given a great deal of attention to questions of Colonial policy, he felt that they owed a great debt of gratitude to Lord Carnarvon for the spirit and the ability with which he had conducted the Colonial policy of this country. The noble Earl brought to it not only ability, but that sincere desire to maintain the connection between this country and our Colonies which would alone lead to a wholesome and healthy administration of our Colonies. And when his hon. Friend (Mr. Courtney) found fault with the noble Earl he should have remembered that the difficulties the Department now laboured under were, to a great extent, the legacy left by previous Governments. Former Colo-

nial Secretaries, in dealing with questions of the utmost importance to succeeding generations of Colonists, had hastily come to decisions which were afterwards found to be serious mistakes of policy. The result was that the Colonial Office was now but an imperfect organization. It had not a sufficient staff of officials to conduct the business of the Office properly. Hon. Members had again and again been able to provide the Colonial Office with information which it ought to have been in possession of long before. When the Government had a period of leisure therefore he hoped they would turn their attention to the re-organization of the Colonial Office with a view to systematize it on something like a great Imperial principle. With regard to the action of Sir Theophilus Shepstone, after reading the despatch in which Lord Carnarvon conveyed his instructions to that gentleman, it appeared to him that the present administrator of the Transvaal was free from any suspicion of having exceeded his powers. While cordially agreeing with the principle of that Bill, he thought the manner in which those proceedings were initiated was open to criticism. He regretted that in moving the second reading of the measure the Under Secretary had not shown what were the grounds on which Her Majesty's Government had acted in undertaking that initiative. Granting that it was legal and constitutional for them to have done so, it might not have been expedient. He knew that the Colonies were jealous, and that once they obtained responsible Government they seemed ungratefully to lose sight of the interests of the Empire to which they belonged, trying to get as much as they could and to give as little as possible in return. That, however, he believed, was the result in a great degree of a reaction from the tone and spirit of the past administration of the Colonial Office. Lord Carnarvon said that the isolation of those Colonies from each other, the diversity of occupations in which those who were developing such new countries were absorbed, the existence in them in some cases of questions as to their boundaries, and other causes had retarded that approximation between them which was so much to be desired. These, he thought, were hardly adequate reasons for the Colonial Office Govern-

ment in that particular case now taking the initiative in bringing about a unity of action and a harmony of interest between those different Colonies. A more legitimate ground for it, though one which could scarcely be given in a despatch, was that the variety and complication of the questions which arose in the South African Governments as regarded their relations towards each other and towards the Native races occupied so much of the time of the Colonial Office that it could not undertake the proper management of those Colonies, and must therefore get rid of the responsibility of settling those complicated issues and shift it to the Colonial Governments themselves. It must be admitted that whatever was to become of our Colonies, if those poor and ignorant creatures the Natives were left to the tender mercies of the Colonists they might find themselves subjected to all sorts of hardship and wrong. Though Mr. Froude's mission was badly conceived, he did not think it had been badly carried out. He went out, but not as a Special Commissioner. But, after all, if the Government was in error in initiating the proceeding before the time and the circumstances were ripe for it, yet, looking at the present position of things, he did not think the House for that reason ought to take hostile action against this Bill. He thought that more good than harm would come of this Bill. The question was whether the general provisions of the Bill and the principles upon which they were based were such as that House could approve of? The provisions were the same as in the Canadian Act, which was the result of a great deal of consideration, and under which the Dominion Confederation was brought about. On these grounds he hoped that the House would allow the Government to proceed with the Bill, to which he intended to give his cordial support.

SIR HENRY HOLLAND: We have travelled somewhat from the original Motion before us of the hon. Member for Kirkcaldy (Sir George Campbell); but it may save time if we deal at once with his Motion and that of the hon. Member for Dundee, and I will address myself first to the latter Motion. The point that he has made was raised and discussed in the Cape Parliament, and I will read to the House the brief but complete answer made by Lord Carnar-

von in his despatch of July 15, 1875, in which he points out, first, that he cannot too distinctly protest against any such doctrine as that Her Majesty's Government, in courteously inviting a group of Colonial Governments and independent States to deliberate upon questions of common interest, infringe the rights of a Government should it not approve of the invitation; and, secondly, that Her Majesty's Government are alone in a position to invite communities wholly independent of each other to meet and to confer. I ask the House to consider this question of Confederation, not only from the Colonial point of view, as affecting Colonial interests, but from the Imperial point of view, and to see how deeply it affects the Empire as a whole. If Confederation strengthens the Colonies, develops their resources, and makes them more self-reliant, the Empire is strengthened, and gains in proportion. It is hardly disputed that Union gives strength by united action; but there are other advantages arising from Confederation, which I will briefly point out. First, by Confederation we gain uniformity of legislation upon all the most important questions affecting the Confederated Colonies, whether as regards their relations between the Mother Country and foreign countries, or as regards their internal and social development and improvement. Secondly, Confederation tends to raise up a school of statesmen and legislators, who by their position are required to take a larger and more liberal view of the important matters submitted to them. The legislators of a Central Legislature are raised above the smaller questions and disputes which prevail in a Provincial Assembly—their political area is widened—and their sense of the grave responsibility imposed upon them is increased. And, thirdly, to those who like myself, and I believe the right hon. Member for Bradford (Mr. W. E. Forster), hope to see these great outlying Dependencies linked more closely to the Mother Country by some kind of direct representation, Confederation affords the only chance of our seeing that hope realized. You cannot have 20 or 30 small Councils and Assemblies represented here; but link together in Confederation the West India Islands, as you have linked the North-American Provinces;—join together the South African States; the

great Australasian Colonies; and perhaps our other Eastern Colonies, and you have four or five Central Legislatures, which might, at some future time, be directly represented here. This may be an "airy nothing;" a dream; but Confederation alone can give it "a local habitation and a name." Now, if this was Lord Carnarvon's view of Confederation and its advantages, Imperial and Colonial, why should he not suggest to these South African States and Colonies the consideration of the subject? That it was, and is, his view, is clearly shown in his Despatches and in his speech to the Conference which met herein London. His manner of raising the question has been found fault with; but a reference to his Despatch of May 4th, 1875, will show how moderately he proceeded. He suggested a Conference at the Cape upon several important questions, including the Native question, and then he adds—

"If in the free exchange of communications between the representatives of the different States concerned, the all-important question of a possible Union of South Africa in some form of confederation should arise, Her Majesty's Government will readily give their earnest and their favourable attention to any suggestions that may be made."

What could be more moderate, what less calculated to give offence even to the most sensitive? How was his proposal received? True, that the Cape Cabinet, under a misapprehension of his meaning, resented the suggestion of a Conference, as an interference with responsible Government. They feared, also, from a suggestion he made as to the sending a Representative to the Conference from the Eastern Province of the Cape Colony, that he intended to advocate a separation of the East and West Provinces. These misapprehensions must have been removed by the frank statements given in subsequent despatches. But how was the Earl of Carnarvon's proposal received elsewhere? The assent in the Colony was almost universal. Sir Henry Barkly writes on October 20, 1875—"The feeling of the country is loudly expressed in most districts in favour of the Conference, and the yearning of the colonists of Dutch descent for re-union with their kinsfolk beyond the Orange River has been powerfully excited." The Legislative Council of the Cape passed a resolution

appreciating the deep interest taken by the Earl of Carnarvon in the welfare of South Africa. The Legislature of Natal agreed to the Conference, and desired Confederation. The Executive Council of the Orange Free State and the President of the Transvaal concurred in the enlightened sentiments expressed by his Lordship, and stated their sense of the interest he took in South Africa. I think the House will agree that the Earl of Carnarvon was justified in what he did. Turning, then, to the Motion of the hon. Member for Kirkcaldy, I admit the importance of discussion, but I must again press on the House the urgency of this Bill. I must also enter my strongest protest against his unprovoked and unjustifiable attack upon Sir Henry Barkly. I can testify, from my experience at the Colonial Office, that Sir Henry was most humane in his treatment of Native races, most anxious to promote their welfare, and to protect them against harsh legislation. The Motion is not strictly applicable to this Bill, which is not a measure for establishing a self-governing Federation. Broad principles are established to assist the Colonies and States, and to show them where and how far the Imperial Government would interfere in settling the details of Confederation. But an Order in Council is necessary to establish a Federation. Again, what is meant by "direct provision for a settlement." If it means a "final" settlement, the Motion is inexpedient and impracticable. The circumstances of each case are not only now various, but are constantly varying. Some Natives are far advanced in civilization, and habits of peace and order; some are in a far more backward state. If it does not mean a "final" settlement, what better plan can be suggested than that provided in the Bill? We must trust some one to settle details. Parliament could not undertake the matter. They have no means of acquiring the necessary information upon this most difficult question. But Her Majesty's Government can by official and confidential information and Reports, by discussion at Conferences and interviews, place themselves in a position to judge the details set before them. I trust the Government will accept the limitation of five years proposed by the right hon. Member for Bradford, but during that time you must trust Her

Majesty's Government. Before Confederation they will have full command over the mode of dealing with the Native question, and treatment of Natives, as it rests with them to advise Her Majesty to issue or withhold the Order in Council. After Confederation, they reserve power to Her Majesty to veto laws on Natives and Native affairs, and that veto will be exercised carefully, as it has been in other cases.

MR. PARNELL, having put a Notice on the Paper for the rejection of the Committee on this Bill, wished to explain how it happened that one who had identified himself with the Federation of Ireland should oppose the Confederation of the South African States and Colonies? The difference between the two cases was that Ireland desired Federation, while the Confederation of these States was sought, not by the Colonists, but by the Imperial Government for its own interests. He denied that in introducing the Bill the Government had any regard to the interests of the Colonies. They sent a distinguished historian (Mr. Froude) to South Africa to induce the Colonists, if he could, to assent to the scheme, and if he could not, to compel them by some legerdemain, to do so; but in that he failed, as the Colonists did not want what was offered to them. History showed that England always neglected the interests of her Colonies. She annexed Fiji for example, then introduced the measles, and then taxed the people to pay the expense of the annexation. The Bill was a specious one, for while it affected to have Federation for its object, it struck at the principle of Federation, and destroyed the powers of the local Legislative Assemblies. It had been argued among other things against the restoration to Ireland of its native Parliament that, in that event, it would be impossible to define what matters pertained to the local, and what pertained to the Imperial Parliament; but, in that respect, Her Majesty's Government showed a remarkable inconsistency in dealing with these South African Colonies, because by this measure they did define those matters, and appeared to find no difficulty about it. He refused to support this Bill, because there was no proof that the South African Colonies desired the proposed Confederation, and because he maintained that any Confederation of the kind ought to

Sir Henry Holland

be voluntary and spontaneous, and not forced. The hon. Member referred to the relations that existed between the Irish and the English, and between the Blacks and the Whites in America, to show the difficulties that might arise in establishing a Constitution among these South African Colonies. He protested, in the interest of the Colonies, and in the interest of the Business of the House, against the Bill being proceeded with at this period of the Session. It would not become law this year if the Government was determined, as had been announced, that the House should rise on the 9th of August. Even supposing there were constant Sittings, the measure could not be properly discussed before the end of September. Therefore, he ventured to speak in the interests of Public Business, as well as of the Colonists, when he asked Her Majesty's Government not to waste any more time on the numerous Amendments that would have to be made in this Bill, but to lay aside this scheme of Mr. Froude's and Lord Carnarvon's for Confederation, which was not necessary, which was not wanted by the Colonists, and which could not be carried out during the dying days of the Session.

MR. O'DONNELL said, he concurred to a large extent with the views expressed by his hon. Friend the Member for Meath. There was an air of unreality about the Bill, and considering its permissive and almost fancy character, it seemed to him most inopportune that they should be called upon at so late a period of the Session to legislate upon a Bill affecting so important a subject. It answered no want, was demanded by no interest—it was the mere emanation of the brain of the Colonial Secretary. There was no proof whatever that the people of South Africa were in favour of this Bill. No meeting of the people of that country had been held on the subject. They had nothing before them but the sensational declaration of Mr. Froude, the statement of Sir Henry Barkly, and the dictatorial assertion of Lord Carnarvon, that the people of South Africa were favourable to this proposed Federation scheme of the Government. All the information they had on the subject pointed to the fact that the population of South Africa were not ripe for the power of self-government which it was proposed by this Bill to con-

fer upon them. He could not understand the motives that influenced the Government in giving Federal legislative power to the population of South Africa in the way contemplated by the Bill before the House. He was almost tempted to suspect that the real object of the Government was to burlesque and discredit the principle of Federation. There was a country, very near to the shores of England, that annually asked to have the privilege of self-government—not for the purpose of separating itself from the Empire, but to prove its desire to be loyal and true to the governing Power—yet Her Majesty's Government manifested its direct hostility even to consider that question, which had been shown to be one of such deep interest to the people of the country to whom he had referred. He could not, at all events, conceive how they could consistently grant those extensive powers of self-government to South Africa and refuse Home Rule to Ireland. The hon. Member was proceeding in this line of argument, when—

MR. BIGGAR moved that the House be counted.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

MR. O'DONNELL resumed, having spoken less than 15 minutes, amid the marked impatience of the House, which was again reduced to a few Members, saying that his position reminded him of the story of Dean Swift and his sexton, when—

MR. SPEAKER called the hon. Member to Order, directing him to confine himself to the Question before the House.

MR. O'DONNELL said, he thought he was confining himself to the Question, and was apparently proceeding to comment upon the several clauses of the Bill, when—

MR. SPEAKER again called the hon. Member to Order. He was not at liberty to comment upon the clauses of the Bill upon the Motion for going into Committee on the Bill.

MR. O'DONNELL again resumed, begging to assure the Speaker that he had misunderstood his remarks, and proceeded to argue that, whereas the South African Colonies had progressed

without confederation, the condition of Ireland had deteriorated in consequence of the loss of her separate Parliament, and he very much doubted, accordingly, whether a pure zeal for local prosperity was at the bottom of the Government measure, when—

MAJOR O'GORMAN again moved that the House be counted.

MR. SPEAKER, however, immediately said that 40 Members were present, and it was unnecessary to count.

MR. O'DONNELL proceeded—the hon. Member was understood to say that Her Majesty's Government had declared their undying enmity to the Federation of the Slavonic States of Turkey, with which they had no sympathy, and yet they proclaimed it in reference to the Republic of the Transvaal, which they proposed to annex to themselves. What had the Republic of the Transvaal done to provoke this policy of compulsory Federation, that Her Majesty's Government and the British nation had not already done themselves in getting footing in South Africa, and in all places which they had annexed? But the South Africans did not want the Federalism which the British Government so plausibly, so smoothly, and with such large promises of happiness, tried to induce them to accept. It was an attempt by Her Majesty's Government at the forcible annexation of an independent State of South Africa under pretence of a Federal arrangement. But there was another point which deserved the most serious consideration, and which in all other countries would receive that consideration. He referred to the fact that the forcible annexation of the independent Republics of South Africa had taken place in a time of peace, and in violation of the most solemn covenants entered into by Her Majesty's Government. On the Continent of Europe this transaction had been spoken of in terms very different from the smooth and airy sentences in which the Representatives of the Government had introduced the subject to the House. He held in his hand copies of Protests against this annexation drawn up and signed by most eminent Corporations of that old home of liberty, the ancient Republic of the United Provinces. One of them was signed by the Professors of Leyden and Utrecht, headed by the Professor of International Law, and another was signed

by an enormous number of the ministers of religion in Holland. These protests denounced the intended annexation as an odious attempt and act of brigandage that ought to be branded and denounced, and as the people of the free Dutch State they appealed to the free people of England against it. The proposal, they said, was a violation of the guarantees given to the South African Republic in the name of the British Crown. The Transvaal Republic had had to struggle on under innumerable difficulties, and now there would have been no danger to it but for the intrigues which had been carried on for the purpose of overthrowing it. Assuming that the Government had a right to declare war against the Transvaal Republic, there was a vast difference between the just limitation that should be imposed after a righteous war, and the needless exaction of unjust conditions. Suppose the Swiss Republic became dangerous to the German Empire, it would be justifiable that the cause of disturbance should be removed; but no public morality would be held to justify the German Government in blotting out that sovereign State of Europe, and it would not be justifiable that the Transvaal State should be blotted out by the English Government. What would they say if the United States of America were to talk of annexing and federalizing Jamaica. Already the boundaries of Her Majesty's Government in South Africa were not very far from the Equator; and how did they extend them? By overcoming the various races and annexing their territories. The manner in which England got possession of the Cape of Good Hope was well known. In fact, the British Government, which accused the Dutch of despoiling the Natives, had never thought it incumbent upon them to give back to the Natives any portion of the Dutch acquisitions. It was a safe morality which denounced the robbers, but kept the stolen goods. If the Government believed that their conduct in this annexation of an independent foreign State was justifiable, he invited them to establish their assertion before a Board of Sovereigns, or to refer it to the judgment of the civilized world. But they were conscious that before such a tribunal they would fail to make out their justification. Perhaps, considering the

Mr. O'Donnell

recent history of Europe, they might not be averse to referring the matter to the Emperor of Russia for his Imperial and impartial decision. He trusted that the judgment of the English people would on this question be on the side of right and justice; and he called upon them to undo an act of injustice. [The speech of the hon. Member, which occupied, one hour and twenty-five minutes was spoken amid great inattention and confusion, arising from continued cries of "Order!" and "Question!" the interruption of several "counts," and the distraction arising from the assembling and dispersion of Members on each occasion.]

MR. J. COWEN said, he was a supporter of the Bill, and had no desire to delay its passing by any unnecessary talk. Still, he thought some further discussion than there had been on the second reading was not only desirable, but necessary. It was an accusation repeatedly made against the House in the Colonies and in India, that while personal questions and paltry matters of Privilege attracted large audiences and excited much interest, important projects affecting the welfare of millions of their fellow-citizens in distant Dependencies were only curtly considered in the presence of a small assembly of Members. The force of this complaint was made manifest in the languid debate they had had a fortnight ago. A more complete consideration of the Bill, therefore, was required, both for the credit of Parliament, and for the interests of those who were to be affected by it. The contention of his hon. Friend the Member for Liskeard (Mr. Courtney) was, that the Government of the Transvaal ought to be maintained, because it acted as a buffer between the Cape Colony and the warlike and semi-civilized Natives in the North. If this were the case, it would be an argument—not a conclusive one, but still an argument—in favour of his hon. Friend's Resolution, but he did not read the facts in that way. They presented themselves to his mind in another light, and as tending in an exactly opposite direction. The spring of the buffer had been broken, and its elasticity, if it ever had any, had been destroyed. The Government of the Transvaal was in a hopeless state of insolvency. There was civil discord within its boundaries, and war, that threatened to be a

war of extermination, without. The Administration was not only in a state of confusion, but of chaos. President Burgers declared in the last speech he delivered to the Volksraad, that the people had lost confidence in the Government, faith in themselves, and trust in each other. That authoritative statement did not comport with much that had been affirmed by the hon. Member for Dungarvan (Mr. O'Donnell). The question at issue had been mystified by an unnecessary amount of words. It really lay in a small space. It could be soon stated, and very easily understood. Upwards of 30 years ago, a number of Dutch settlers at the Cape of Good Hope migrated beyond the Vaal River. Their independence was recognized by the English Government at a conference held at Sand River in 1852. Commissioners representing England, and delegates from the Boers met at that time, and the conditions of separation were agreed upon. It was incorrect to state that England accorded the people of the Transvaal the absolute right of Sovereignty. Anyone referring to the correspondence that took place at the time, would see that the rights accorded to the emigrants were more covered by the new-fangled word autonomy, than by that of supreme authority. The point was scarcely material to the question, but in view of what had been said by the previous Speaker, it was right that they should recollect that such were the conditions under which the Transvaal Government was formed. His hon. Friend the Member for Liskeard strove to excite commiseration for these Dutchmen by telling the House that they declared themselves free of British rule, and went into the wilderness, and carved out a settlement for themselves. He stated what was quite correct—that these men had had differences with the Colonial Government which led to a separation. He would have had the House to regard them, however, as a sort of modern Pilgrim Fathers, who had shaken the Monarchical dust off their feet, and penetrated into unknown and dangerous regions with a view to build up a State clear of the tyranny that distinguished the Government of Great Britain. This was simply romance. The Boers left Cape Colony, not because they were persecuted, but because the English Government refused to allow them to

persecute the Natives. They emigrated, not in consequence of being denied all legitimate freedom, but because this country would not allow them to deprive the coloured men of like privileges. The difference between the Colonists and the Dutchmen, which the hon. Member for Liskeard so mildly described as referring to a different mode of treating the coloured races when resolved into plain language, was no other than this—England practised an anti-slavery policy; and the Boers the most brutal and barbarous system of enforced labour. When the negroes in the West Indies were emancipated, the provisions of that measure were extended to the Colonies at the Cape of Good Hope, and the Dutchmen never willingly acquiesced in the beneficent edict of the British Crown. He had no wish to revive old and unpleasant disputes, but he was stating what was literally the fact, when he said that the coloured populations of the world had never been treated with greater harshness by White men than the unfortunate Bushmen of South Africa had been treated by the Dutch settlers. Now, as to their Republicanism, mentioned by the hon. Member for Dungarvan, he (Mr. Cowen) would certainly not utter one syllable in disparagement of that honoured word. Not only the form, but the name of Republic, had an attraction, and a striking fascination for his mind. But a Republic respected the rights of all. The Republicanism of the Transvaal was nominal, its despotism was real, and its despots were a multitude. What they wanted, was not freedom from British control, but they desired to exercise the “right divine for governing wrong.” The Constitution of the State was not settled until 1858. It was never a thriving Government, for no body could prosper that had at its root the canker of slavery. But it rubbed along with fair success for a few years. About 1866-7 deposits of diamonds and gold were found in the valley of the Orange River and in various other districts in that part of Africa. The announcement of these discoveries brought a rush of adventurers from all parts of the world to the spot. These men came, not with a view of following the occupation of Colonists, but for the purpose of digging diamonds, or gathering gold as rapidly as possible, and having accumulated wealth, their design in most cases

was to leave the country. They were not, however, specially successful in this enterprize, and the indiscriminate crowd who had thus been collected associated themselves with the Boers in the Transvaal. They commenced a series of raids upon unoffending Natives. They went to the settlements of peaceful Kaffirs, drove off their cattle, carried away the produce of their lands, slew the male members, took the children into what they mildly called apprenticeship, but which was really slavery, and carried the women into a condition that was worse than slavery. These nefarious proceedings in time produced an inevitable revulsion of feeling, and led to combined resistance on the part of the Natives. War was declared by the larger tribes against the Transvaal Government. In that war the Boers were beaten—disgracefully beaten. They did not display their traditional courage or pertinacity. An unsuccessful war produced a depressing influence on the best-ordered community; but its effects upon a young, struggling, and rickety State like the Transvaal was simply disastrous. The people refused to acknowledge the authority of President Burgers and his Colleagues. They refused to pay the taxes in many cases. They gave subsidies to Native Chiefs to purchase immunity from attack. Villages were deserted and homesteads were destroyed. The whole country was in a state of disorganization, and the people in a state of demoralization. The President had not funds to meet the expenses of the postal service—one of the first payments a State was called upon to discharge. When an order was made upon President Burgers for £1,000, he declared he had not a single shilling in the Treasury wherewith to meet it. It would be difficult to conceive even a newly-formed State in a more depressed and dispirited condition than that in which the men of the Transvaal found themselves at the close of last year. He did not contend that their weakness was a justification for England to interfere. If the British Government had to assume the direction of every weak State that lay upon its borders, our dominions would soon be nearly co-extensive with the human race. Even the existence of slavery was not a sufficient reason for their intercession. The cause of their action was not the feebleness of the Transvaal Government,

Mr. J. Cowen

but the fact that this feebleness endangered the position of the Cape Colonies and the safety of our fellow-citizens in that part of the world. Let them look at the facts. The Transvaal territory was larger in extent than Italy—nearly as large as France. It had a frontier line of more than 1,600 miles. No fewer than 1,200 out of this number abutted on the possessions of the hostile races. Only 400 miles adjoined friendly States. There were upwards of 1,000,000 coloured people in the territory, and alongside of them there were 40,000 Whites. Calculating one male adult to every five of the population they had only some 8,000 men in the Transvaal. About 1,000 of these were engaged in trading operations, and lived in villages, 400 or 500 of them were miners, and it thus left little more than 6,400 or 6,500 men to whom the defences of the State could be entrusted. Supposing everyone of these 6,000 Boers were willing and able to take up arms, they would be called upon to hold a line three times as long as between Kent and Caithness. The House would see that to expect them to do this was to expect them to do an impossibility. The Kaffirs were one of the most warlike and resolute of all the aboriginal races, with whom Europeans had come into contact in the work of colonization. From 1818-19 to 1853-4 this country was constantly at war with them in South Africa. They were no mean adversaries then, although they were little more than an organized mob. Their weapons consisted for the most part of bows and arrows, spears and clubs. Even thus inadequately accoutred they were able to hold their own against English soldiers for the better part of 40 years. Since then a great change had taken place. The Kaffirs had become possessed of modern weapons of warfare. The men had been regularly drilled to military service. One Chief, not a very important one, close to the Transvaal, had at his disposal an army of 10,000 properly trained and equipped soldiers. Another, and more powerful Chief, was able to take into the field fully 40,000 men equally well accoutred for battle. As illustrating the spirit that animated some of these warlike Natives, he might cite the declaration of Cetwyawo, the King of the Zulus. When this Kaffir recently had an interview with the Commissioner from Natal, he told him he

had no ill-feeling towards the English. He respected their authority, and wished to live on friendly terms with them. On the other hand, he had cause of quarrel with the President of the Transvaal and with some of the tribes who lived within the territory. He declared, too, that fighting was his vocation, that it was a tradition of his tribe to kill men; that his father and grandfather had been accustomed to do this slicing, and that he did not mean to abandon their time-honoured practices. He reminded the Commissioner, also, that he had recently become Ruler, and that it was desirable for him to prove his capacity to his followers by showing them his prowess in battle. He further declared that the young men of his tribe were desirous of having an opportunity of washing their spears. For these reasons, therefore, Cetwyawo was meditating war on the people of the Transvaal, both Boers and Natives. This man was a simple savage. He said straight out what he meant. If he had been a European and Christian Emperor, he would have prefaced his intention of declaring war by issuing a Proclamation abounding in fine sentences and philanthropic phrases. He would have called God and man to witness that he had been driven into war against his inclination, for the purpose of freeing the bodies of his neighbours from physical thralldom, and their minds from degrading superstition. Not having learned the arts of modern Christian diplomacy, Cetwyawo had the candour to declare that he meant to commence war for the simple purpose of showing his capacity as a Chief for killing his enemy, and giving his braves an opportunity of washing their spears in the blood of hostile tribes. These Chiefs and others, he repeated, were not at the time hostile to England, but no one could foretell, if they once went upon the war-track and put on their battle-paint, where they would stop. Their first attack would be on the Transvaal, but their blood being stirred and their passions excited, they would require little inducement to carry their hostilities into the English Colonies. A war of this kind, once begun, would spread desolation, destruction, and death from the confines of the Cape Colonies to the boundaries of the Sandy Desert. In dealing with the coloured tribes, loss of prestige was not only loss

of power, but loss of security. The Government of the Transvaal being unable to resist the advance of their warlike neighbours, having had serious quarrels with them, it was the duty of the English Government to use their authority, with a view to prevent the breaking out of such a disastrous conflict as he had foreshadowed. This was the justification, and to him a sufficient one, for the action that had been taken by Sir Theophilus Shepstone. The hon. Gentleman who had preceded him had described it as a war of aggression. He demurred to such a description of the proceedings. There had been no war and no aggression. England had no earth-hunger, no longing for more land. She had territory in abundance and to spare. She would never repeat a series of deeds as dark and doubtful as those which characterized her conquest of India. She never would follow the bad example set by the Spaniards in South America, or the Russians in Central Asia. If he knew the wishes of his countrymen, he did not think they would spend a shilling, or discharge a musket for the simple purpose of adding to the boundaries of their Dominions. They would defend the existence of their present possessions if assailed; but extension of territory would be got only as a consequence of the peaceful pursuits of commerce and civilization. He objected to the phrase applied by the hon. Member for Liskeard, when he said that the Transvaal had been annexed. The word "annexed" presupposed the exercise of physical force, and on that ground its use in this instance was incorrect. Germany annexed Alsace, Russia annexed Poland, but Italy incorporated Rome. Between the words incorporation and annexation there was, to his mind, a wide difference. Incorporation was union by mutual consent, and he held that that was the proper description of their recent action in South Africa. Anyone who had read the Blue Books must admit the correctness of his statement. The English Commissioner's visit to the Transvaal was known beforehand, and he was met on the borders by the carriage of the President of the Republic. He was welcomed as a friend, not as an enemy. A striking incident occurred as he was crossing the frontier, and it might be stated as a curious illustration of the feeling of the Natives

towards England. The Dutch farmers received the English Commissioner by discharging a volley of fire-arms in his honour, and some of the Kaffirs who saw this proceeding thought it was an attempt to shoot Sir Theophilus Shepstone. They conveyed the news to Cetwyawo, and he sent word to the Governor of Natal, that if such had been the case he would have punished the Transvaal people for their attempt to kill the representative of his friends the English. President Burgers and Sir Theophilus Shepstone discussed the conditions of the Confederation, not as opponents—certainly, not as enemies—but more like the managers of two competing lines of railway considering the terms of amalgamation. When the Proclamation was issued, there was not a hand or voice raised against it in the market-place of Pretoria. The President desired the State Treasurer to hand over the keys of the Government House and the Treasury to the English Commissioner, and he in his turn handed them back to the Treasurer. Every official of the Republic was re-instated in his office; not a single change was made in the law or mode of government of the State; all the regulations, customs, and staff of officers were retained. The only difference was that by the fact of the Transvaal passing into British possession the accursed system of slavery became destroyed. The only change made was, that the protectingegis of the British name and authority was thrown over the territory. The whole work was accomplished by Sir Theophilus Shepstone, with the assistance of six or seven attendants and 25 mounted policemen. The Boers would be compelled to abandon their manstealing practices; but in consideration for any benefit, if it could ever be a benefit, that came to them from obtaining forced labour from the poor Natives, they would enjoy in return a more settled and stable rule. The Natives in the State would have their liberties assured, and would be relieved from the incursions of filibusterers. The Natives outside the boundaries, on the other hand, would not be compelled to engage in warfare, knowing the power and capacity of England, while the Colonies at the Cape would, by its union, be free from the uncertainty and discomforts of pending hostilities. He did not know, in the history of colonization, any

extension of territory that had ever been made with purer motives, less opposition, or more calculated to benefit all parties concerned. Both inside and outside the borders of the Transvaal the inhabitants would be served by it. The hon. Member for Liskeard admitted the soundness of the principle of Confederation. Indeed, there was no difference of opinion on the question in the House, or amongst politicians generally. Everyone who had thought on the subject admitted that it was desirable to unite a series of Colonies such as those that existed in South Africa; the only difference arose as to the time, the circumstances, and the character of the union that was to be effected. He would not, therefore, discuss the principle of Confederation, as he supposed that was admitted by all; but he contended that if there was another argument required for the South African Confederation, it was supplied by the recent proceedings in the Transvaal. In dealing with the Natives, there were three things required. They should be treated with justice, firmness, and uniformity. The two first conditions had been for years supplied in South Africa. The Natives had been treated both justly and firmly by the English Government, and hence their continued period of peace and prosperity; but there had not been a uniform mode of dealing with them. One State gave them greater privileges than another, and some of the Native Chiefs had confused the Dutch Republic with the English Colonies, and had attempted to make the latter suffer for the unjustifiable proceedings of the former. If the principle of Confederation were practically established, there would be a uniform and unbroken course of treatment observed to the whole of the Kaffir tribe, and that, combined with the advantage of British rule, would contribute to the peace of the territories and the welfare of the Colonies. A remarkable fact, and one highly creditable to the English rule, he might state. It had been usual, when the White race had come in collision with the Coloured race, that the Red Man had first retreated and then disappeared. This had been the case in New Zealand, in Australia, and in America. At the Cape, however, the result had been the very opposite. There, notwithstanding the British rule, the Native races had

gradually increased in numbers, and several of them—the Fingo tribe, for example—had become perfectly acclimatized to the British mode of living. They had become farmers and prosperous traders, had amassed wealth, and were regularly civilized citizens. This encouraging state of affairs ought always to be borne in mind when they were considering the condition of the English Colonies. The hon. Member for Liskeard instituted a comparison between the principles of Confederation in North America and that in South Africa. He approved of the project in one place, but did not approve of it in the other. He could not follow his hon. Friend in his argument. If there was any difference, he thought the principle of Confederation was more applicable to Africa than it was to America. The hon. Member for Liskeard said there were differences amongst the Colonists in Africa that rendered union not possible at the present time; but he begged to remind him that, if the African Colonies were of Dutch origin, the American Colonies were of French origin. They had in Lower Canada still a distinctly French population. That part of the country was really a piece of old France. It was France before the Revolution, minus the Monarchy and the aristocracy. The people had all the thrift and industry, the want of enterprize, the moderate competency, and fair share of attainments that characterized the ordinary French peasantry 150 or 200 years ago. They had made little progress, and retained all their old modes of life. They were really Colonial Rip Van Winkles. In Upper Canada, on the other hand, they had aggressive and pugnacious Presbyterians from Scotland, and Orangemen from the North of Ireland. It was impossible, therefore, to conceive a greater contrast than between the inhabitants of these two Colonies. There was much greater diversity of character existing between them than there was in any section of the people in South Africa. Again, a Confederation was of more value for regulating external politics than the internal Government. Now, in Canada, they had no external questions to disturb them. The Indians were harmless. There was a time when union with the American Republic was supported by a large party in the United

States. But that had passed. Before the Civil War there was a constant craving for increased territory by the American Republic. The slaveholders sought to extend their dominion towards the South, because every additional State in that direction gave them increased legislative and executive authority. With a view to balance this extension, the Abolitionists favoured a union with Canada. All this, however, was now past. Slavery being destroyed, there was no necessity on their part to seek to add to their territory. The United States might, without much trouble, have incorporated San Domingo, Cuba, and part of Mexico. They had not done so, simply because they had no desire, and the parties within the Union had no motives for adding State to State as they had previous to the abolition of slavery. There was, consequently, no external question likely to be served by Confederation in Canada. It was exactly the opposite in South Africa. There the external question was the most important in dealing with the Natives; and, as he had striven to show, Confederation would certainly help them to solve the difficulty by establishing an uniform mode of acting towards the Kaffir tribes. Another objection to the Bill was, that it was permissive. He confessed that that to him appeared its greatest merit. He did not approve of permissive legislation on all subjects; but if there was a question that could be dealt with by a permissive Bill, it was surely this one. Confederation, to be successful, must be spontaneous and voluntary. It must spring from the parties to be directly affected by it. If it was forced upon them by any outside influence, instead of producing union, it was calculated to produce antagonism. The Bill gave the South African Colonists the power to unite, or not to unite, as they desired. All it did was to lay down the framework of Confederation, the details to be filled in by the Colonists themselves. The wisdom of union was admitted. Parliament drew a measure containing the basis of a scheme, they sent that to South Africa, and all they asked was that the States themselves should, if they approved, complete its clauses to their own liking. If they did not approve of the Bill, it remained a dead letter. The hon. Member for Liskeard

objected to the power that was given to the Queen in Council. That was merely a phrase. For his part, he had no wish whatever to increase the power of the Executive. He was disposed to limit their authority, and increase that of the people's Representatives. There did not occur to him anything in that section of the Bill to warrant the condemnation that his hon. Friend had so oracularly uttered against it. What he understood from the measure and the correspondence that preceded its drafting, was that the Colonies themselves should adjust all their difficulties, settle the details of the Act, and, having done that, voluntarily and freely, the Home Government would be empowered to give it the force of law. There were necessarily a great many points upon which the Home Government could not form as sound a judgment as the Colonial. For example, in Natal there were only 18,000 White people and about 30,000 Coloured living on an area of about 20,000 square miles. In Cape Colony, on the other hand, there were 275,000 Whites and 450,000 Blacks, and they covered an area of 200,000 square miles. It was manifest that some difficulty would arise in adjusting the relative Representatives that should be accorded to the Whites and the Coloured peoples in these two Colonies. That was a point that was relegated by this Bill to the Colonial Legislature; and, having themselves agreed upon it, all the Home Government were required to do was to put the impress of their authority upon the conclusions that the South Africans arrived at. If the Bill had been compulsory, instead of permissive—if it had been forced upon the Colonies, instead of being voluntarily offered for their acceptance—he should have opposed it; but the very principle of voluntarism that was the basis of the measure was, to his mind, the best reason for its adoption.

SIR CHARLES W. DILKE said, he could not allow the eloquent and able speech which had just been delivered to pass without notice. The speech of his hon. Friend and of the hon. Member for Dungarvan (Mr. O'Donnell) turned entirely upon the propriety of our having annexed the Transvaal; but he (Sir Charles Dilke) maintained that that was not the question involved in the measure before the House. This Bill

had no bearing on that question. His hon. Friend the Member for Newcastle had told the House that the annexation of the Transvaal was necessary, because if the war had spread the result would have been to entail untold calamities on our Colony of Natal; but what had been the result? Telegrams had been received which showed that Secocoeni was engaged in war at the present moment, and that British subjects were flying before him because of the anger he manifested at the annexation of the Transvaal or the manner in which it had been carried out. At all events, until the House had full details before them, they could not say definitively one way or the other whether annexation had increased or removed the difficulties of the Colony of Natal. His hon. Friend drew a parallel between Confederation in Canada and Confederation such as was proposed by this Bill; but his hon. Friend forgot to tell the House that the French in the Dominion formed a very small minority of the population; whereas in these African Colonies the Dutch were the majority of the White population in numbers, and, perhaps, also in wealth. Consequently, the argument of his hon. Friend fell to the ground. Of course, they were all in favour of Confederation in the abstract and would welcome a Bill for the Confederation of the Australian Colonies for instance; but it was well known that there were difficulties which prevented the passing of such a measure at the present time. Why, then, should there be an African Bill before the House? For his own part, he saw no great difference between the cases of Africa and Australia. It had not been shown that there was any such anxiety for Confederation in the African Colonies as made it necessary for us to pass a Bill this year. His hon. Friend opposite (Mr. Lowther) had stated that this was not a measure for establishing a self-governing Federation, but that an Order in Council and not the present Bill would at some future time establish the Federation. That statement was a sufficient reason to induce the opponents of the Bill to continue their opposition to it. There was nothing to show that any such Order in Council would ever be made and that this Bill would not remain a dead letter. He should continue to vote against the Bill, because he believed that it was a fancy of Lord Carnar-

von's and that it had been forced upon the Colonies from the outside, and was not spontaneously originated by them. There was nothing to show that it would be accepted by them.

CAPTAIN NOLAN protested against the distinction which his hon. Friend the Member for Newcastle (Mr. J. Cowen) drew between the annexation of Alsace by Germany and the annexation of Rome by Italy. Alsace was annexed after a long campaign, whereas Rome was seized in the midst of peace by armed violence. He hoped the occupation of Rome by Italy would be only temporary.

MR. GOLDSMID said, he did not think it was necessary to import such an argument into the present discussion. As, however, it had been adduced, he would correct the hon. and gallant Member's statement. It was by the concurrence and wish of the population of Rome that the Italian Army defeated the Papal soldiers, occupied Rome, and made it the capital of their Kingdom. That was an incorporation like this and not an annexation.

MR. COURTNEY regretted that his hon. Friend the Member for Newcastle (Mr. J. Cowen) had brought forward the question of the annexation of the Transvaal, as it formed no part of the present subject, and as moreover the House would have ample opportunity of discussing it on a future occasion. On the occasion of the second reading, the hon. Gentleman the Under Secretary of State for the Colonies assumed that Members were all in favour of Confederation. That assumption was quite unfounded. Tonight, however, he had addressed himself to the real question. The hon. Gentleman had, it might be remarked in passing, spoken of Mr. Froude as not having been the Representative of the Queen in South Africa; but Lord Carnarvon had said in a letter—"As the Representative of this country he did not think they could find a better qualified man than Mr. Froude"—

MR. J. LOWTHER explained that he had spoken with reference to the part Mr. Froude had taken at a dinner, and that he had meant to say the Government were not accountable for his proceedings as they would have been in the case of a Governor.

MR. COURTNEY said, that if Mr. Froude was not the Representative of the Queen in South Africa, he did not know what a Representative of the Queen

was. This, however, was a small matter. An important question to consider was, how far this scheme of Confederation had originated or been accepted in the Colonies; or, on the other hand, how far it had originated in the Colonial Office and been pressed upon the acceptance of the Colonies. It seemed to him, it had neither originated in the Colonies nor been cordially accepted in any one Colony, and he challenged the statements of the hon. Member on this point. The hon. Gentleman had referred to a Vote of the Volksraad of the Orange River Free State, passed in 1858. This, however, proved nothing as to the feelings of the population at the present time, and, as a matter of fact, the State had lately resolved to have nothing to do with Confederation. The hon. Member had also referred to resolutions in favour of the principle of Confederation, passed by the Legislative Councils of Griqualand and Natal; but as these were both Crown Colonies, it was altogether misleading the House to cite the Votes of the Legislative Councils as a proof of the willingness of the States to confederate. Then it appeared that in 1871 there was a Committee of the Legislature of Cape Colony on this subject, and the Report of that Committee had been quoted in favour of the scheme; but the only passage in favour of it was one to the effect, that certain persons whose opinions deserved respect thought that at some future time, if the Orange River Free State, the Transvaal and Natal were willing, it would be a good thing to consider a scheme of Confederation. We were not told who these persons were, and the conditions to which they referred were not yet realized. There was ample proof of dissent on the part of the different States. The Representative Assembly of Cape Colony had resolved, by 36 votes against 22, to have nothing to do with Lord Carnarvon's proposal. At one time, no doubt, there was a feeling in the Eastern Province in favour of Confederation; but this was because it was thought the scheme would mean separation from the Western Province; but when Mr. Froude explained that he had no authority to say anything about such a separation the feeling on the subject changed. If it was the case, as he contended it was, that there was actual dissent in all the separate States of South Africa, it followed, of course,

Mr. Courtney

that the scheme would be a failure. A Permissive Bill might be sent out, but the powers of the Permissive Bill would not be accepted, except, perhaps, in this way—that an union would be established of the Transvaal which we had annexed, with Natal which we already possessed; and such an union would be one of the most perilous which could be made if we had at heart the defence of the Native population against the White population, which would control these States. It might be said that as the Bill was only permissive, no harm would be done by passing it. This seemed to him to illustrate one of the political dangers of the time. There was a passion for putting abstract propositions on the records, either in the Journals of the House, or in the Statute Book, without paying due regard to the difficulties they might lead to. For his part, he was not in favour of "Confederation," or "Dissolution," or any other abstract word. Confederation might or might not be a good thing; but for a man to say that he was in favour of Confederation was like saying, without any regard to the particular illness, that he was in favour of Holloway's pills. Before picking up these abstract notions we ought to consider, in the first place, whether Confederation was in any form good for the South African Colonies; and, in the next place, whether the South African Colonies desired it. For he held most strongly, that even if we ourselves were persuaded of the benefits of the scheme, we ought not to force it on States like those of South Africa. He denied that there was any evidence before us that this scheme had been examined with reference to the condition of South Africa, or that any one State of South Africa was willing to accept the scheme. Taking this fixed element that there were to be two Chambers, was there any evidence to show that any one of the States wished to have two Chambers? The only State that had two Chambers was the Cape Colony, and he was not sure that the Cape Colony would not prefer to have but one. In fact, there was no proof that this scheme of two Chambers was desired by any of the States proposed to be confederated by this Bill. It was not true that Confederation always brought strength. Mr. Froude had made a speech in which he attempted to prove that it did, and he referred to

Canada in proof of his position. But what was the great gain which Confederation had brought to Canada? It was that it separated the French and Catholic Canada from the Scotch and Presbyterian Canada, and gave each of them a complete autonomy. But in South Africa the circumstances were entirely different. In fact, Confederation might be like twisting several weak threads together to make one strong thread, or like tying several weak threads one to another to make one long weak thread. Mr. Froude had referred to Germany, and said—"Look to the strength which she has gained since Sadowa." No reference could be worse for his argument. There was a Germanic Confederation before Sadowa, and it was weak; the strength which had come to Germany since Sadowa was owing to this—that they had cut out from the German Confederation those parts which before did not work in harmony with the rest. He repeated, that there was no evidence whatever that there was any desire for Confederation among the States proposed to be confederated; on the contrary, the evidence showed that they desired to remain separate. It was proposed to allow any two or more of those Colonies to be confederated together, and the only two which were likely to adopt that course were Natal, a Crown Colony, and the newly-annexed Transvaal. And what was it proposed to do in their case? Why, to establish a Legislature which should have supreme control over Native affairs in the confederated territory. They would thus be doing there what they had not done in India or anywhere else—namely, confiding the care of an immense Native population to a small body of English and Dutch settlers, without retaining that control in the hands of the Home Government which they now retained in the case of India and all the Crown Colonies. In Natal there were 17,000 Whites, not all of them English. In the Transvaal there were 40,000 Whites, almost all of them Dutch. Thus they would have fewer than 60,000 Whites in those two States, which contained 1,300,000 Blacks; and it was proposed to give fewer than 60,000 Whites the supreme control over the interests of that vast population of Blacks; and among those Whites were the very Boers whose conduct, they said, had compelled

them to annex the Transvaal. Nor was there any sound reason for expecting any large increase in the White population. The Colony of Natal was nearly as old as the Colony of Victoria, and the latter had a White population of about 500,000, while the former had one of only 17,000, though its climate was superior. Why, then, had the Whites increased so rapidly in Victoria and so slowly in Natal? The reason was because in Natal the Blacks lived so peaceably by their side. They could not get any development of a White population in a country where Blacks lived and worked side by side with Whites, because the Blacks took upon themselves the whole of the manual labour of the Colony, and the Whites would not consent to work with them in that way. The few Whites who went out became disgusted with the conditions of labour there, and did not send for their friends, and thus the stream of emigration was checked. Therefore, the expectation that they would have a large White population in South Africa was an idle fancy. He had not been able to make out from the speech of the Under Secretary why that Bill should be passed. It was a measure, on the face of it, to enable certain Colonies to confederate together; but why not leave them to negotiate between themselves for a Confederation, if they wished it? And then, if a scheme were elaborated and brought before Parliament, Parliament could approve it. Why should not the plan which was followed in the case of Canada be followed in this instance? They had spent the whole night over the Motion for going into Committee on the Bill; and it was perfectly plain that if it was persevered in they would have a week spent in Committee. One hon. Member (Mr. O'Donnell), who was not distinguished for the brevity of his remarks, had placed 70 Amendments on the Paper, and the Bill after all, if passed, would be a dead letter. To press it on, therefore, at that stage of the Session, appeared to him a prodigal and almost a criminal waste of time; and he hoped that the Government would yet spare them that unnecessary labour, and also spare Parliament the humiliation of putting on the Statute Book a law which would not be adopted, and which was inapplicable to the circumstances of South Africa.

MR. J. LOWTHER replied, observing, in answer to the last Speaker, that he thought he had previously made it clear to all who had followed the recent history of South Africa, that the present organization of the Native tribes, the improved arms with which they had supplied themselves, and their recent triumph over the White inhabitants of a neighbouring State, had brought the relations of the British Colonists and the Natives to such a state that some steps must be promptly taken to guard against the imminent danger of a Native war. He wished also to notice one statement made by the hon. Member for Kirkcaldy (Sir George Campbell), that in the various Colonial Governments which had been administered by Sir Henry Barkly, the oppression of the Natives had been a distinguishing feature. In answer to that, he ventured to say on his own responsibility—and he believed his testimony would be confirmed by those who had previously held office—that that was not the experience of the Colonial Department. Throughout a long and honourable career Sir Henry Barkly had served his country in no respect to greater advantage in his treatment of Native races. He thought it only fair to state that much on behalf of an old and most valued public servant.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 221; Noes 22: Majority 199.—(Div. List, No. 249.)

NOES — Biggar, J. G. Cameron, C. Chamberlain, J. Dilke, Sir C. W. Dillwyn, L. L. Earp, T. Fawcett, H. Gray, E. D. Ingram, W. J. Martin, P. Meldon, C. H. O'Clery, K. O'Connor Don O'Donnell, F. H. O'Gorman, P. O'Shaughnessy Parnell, C. S. Power, J. O'C. Power, R. Redmond, W. Rylands, P. Sinclair, Sir J.

TELLERS—Sir George Campbell and Mr. Courtney.

Main Question put.

The House *divided*:—Ayes 229; Noes 5: Majority 224.—(Div. List, No. 250.)

NOES — O'Donnell, F. Parnell, C. S. Power, J. O'C. Power, R. Sinclair, Sir J.

TELLERS—Mr. Biggar and Major O'Gorman.

Bill *considered* in Committee; Committee report Progress; to sit again *To-morrow*,

COUNTY OFFICERS AND COURTS (IRELAND) (*re-committed*) BILL—[Bill 254.] (Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 42 *agreed to*.

Clause 43 (Appeals).

MR. PARNELL moved an Amendment, omitting lines 15 to 17.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that this was one of the most important clauses in the Bill, as it gave extended equitable jurisdiction to Chairmen of County Courts, and that it had not been objected to by the Select Committee, therefore he hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 44 to 56, inclusive, *agreed to*.

Clause 57 (Removal of proceeding to superior court).

MR. M'CARTHY DOWNING moved the omission of the clause.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) defended the clause.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 58 *agreed to*.

Clause 59 (Decree by default).

MR. P. MARTIN proposed an Amendment to reduce the amount for which judgment might be signed to £20.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that the clause was most useful, and it would not be desirable to take away its beneficial effects as to amounts between £50 and £20.

MR. M'CARTHY DOWNING said, the clause was not objected to; but if the limit was £20 in England, why should it not be so in Ireland?

MR. MELDON said, that the clause was really for the benefit of the defendant.

Amendment *negatived*.

MAJOR O'GORMAN moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Major O'Gorman.*)

Captain NOLAN and Mr. R. POWER hoped the Committee would be allowed to finish the Bill at that sitting.

Question put.

The Committee *divided*:—Aye 1; Noes 147: Majority 146.—(Div. List, No. 251.)

AYE—Parnell, C. S.

TELLERS—Major O'Gorman and Mr. Biggar.

MAJOR O'GORMAN moved that the Chairman do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Major O'Gorman.*)

SIR WILLIAM HARCOURT remarked that when the Judicature (Ireland) Bill was under consideration, certain Members from Ireland stated that that was not a Bill which the Irish people demanded. At the same time, two Members in particular insisted on the expediency of this County Courts Bill being passed during the present Session, because it would greatly benefit the people of Ireland. Those two Members were the Members for Cavan (Mr. Biggar) and Meath (Mr. Parnell), and it ought to be known not only to the people of England, but of Ireland, that these two Members were the men who had taken the course of obstructing this Bill. He hoped it would be known that this course had been taken against the protest of the hon. and gallant Member for Galway (Captain Nolan) and against the great majority of the Irish Members. He wished these facts should be recorded. They would not be forgotten, and sooner or later they would form the basis of the action which the House must take on these proceedings.

MR. PARNELL admitted that on a former occasion he had admitted that this Bill was one of great importance for the Irish people. Still, he did not think he had laid himself open to the charge of obstructing the progress of the measure. When the hon. and gallant Member for Waterford moved to report Progress he endeavoured to in-

duce his hon. and gallant Friend to withdraw the Motion. When, however, his hon. and gallant Friend named the hon. Member for Cavan (Mr. Biggar) as his co-teller, he thought he should do right if he prevented their having nobody to tell. In doing so, he did not in the least consider that he should obstruct the progress of the Bill. The hon. and learned Member for Oxford (Sir William Harcourt) would find, when he set himself up as an instructor of the Irish people, that he was attempting to instruct people who did not ask for his advice. He should not be deterred from doing his duty by the threats of the hon. and learned Gentleman or of any other Englishman. He (Mr. Parnell) was prepared, if his hon. and gallant Friend (Major O'Gorman) would give way, to surrender his principles of objecting to the transaction of Business at this late hour; but if his hon. and gallant Friend persisted, he was ready to walk through the Lobby alone until 12 o'clock to-morrow.

THE CHANCELLOR OF THE EXCHEQUER thought it strange that the hon. Member for Meath should have felt bound to vote for a Motion which he did not approve. The Bill was one of great interest to Ireland, and he hoped the hon. and gallant Member for Waterford would allow the Committee to proceed with it.

MR. BIGGAR said, in explanation of his own part in the division, that he never liked to desert a friend; and, therefore, when the hon. and gallant Member asked him to be a Teller, he at once consented.

MR. COGAN expressed concurrence in the remarks of the hon. and learned Member for Oxford, and hoped the people of Ireland would be made aware that legislation of a very beneficial character was endangered, if not prevented, by the conduct of some of their Representatives.

Question put.

The Committee *divided*:—Aye 1; Noes 128: Majority 127.—(Div. List, No. 252.)

AYE—Parnell C. S.

TELLERS—Major O'Gorman and Mr. Biggar.

Committee report Progress; to sit again *To-morrow*.

THE CONFESSIONAL.—RESOLUTION.

Motion made, and Question proposed,

"That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion."—(*Mr. Whalley.*)

Whereupon *Previous Question* proposed, "That that Question be now put."—(*Mr. Chancellor of the Exchequer.*)

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter
after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 25th July, 1877.

MINUTES.] — SELECT COMMITTEE — Army (Royal Artillery and Engineer Officers, Arrears of Pay), Earl Percy and Mr. Campbell-Bannerman *disch.*, Sir John Hay and Lord Frederick Cavendish *added*.

PUBLIC BILLS—*First Reading*—Sale of Food and Drugs Act Amendment * [264].

Committee discharged—*Referred to the Committee of Selection*—Local Government Board's Provisional Orders Confirmation (Joint Boards) * [248].

Committee—South Africa [195]—R.P.

Withdrawn — Permissive Prohibitory Liquor * [42]; Roads and Bridges (Scotland) (No. 2) * [72].

PERMISSIVE PROHIBITORY LIQUOR
BILL.—[BILL 42.]

(*Sir Wilfrid Lawson, Sir Thomas Basley, Mr. Downing, Mr. Richard, Mr. William Johnston, Dr. Cameron, Mr. Dalway.*)

SECOND READING.

Order for Second Reading read, and discharged; Bill *withdrawn*.

SIR WILFRID LAWSON gave Notice that he would take the earliest opportunity next Session of asking leave of the House to re-introduce the Bill.

QUESTION.

RUSSIA AND ENGLAND.

QUESTION. OBSERVATIONS.

MR. WHALLEY said, he had placed in the hands of the Clerk at the Table the Question which he had desired to ask on the previous evening, and which, had he been permitted to place it on the Paper, he would have prefaced with an expression of regret that the right hon. Gentleman the Chancellor of the Exchequer had altogether declined to answer it.

MR. SPEAKER said, that if the hon. Member now proposed to ask the same Question which the right hon. Gentleman declined to answer yesterday he was altogether out of Order.

MR. WHALLEY said, he did not complain of the excellent judgment of the Gentleman who sat at the Table; but the Question which he proposed to put to the Chancellor of the Exchequer was—Whether any communications had been made to Russia by Her Majesty's Government indicating the point at which they would deem it necessary to take hostile action, with a view to obtain the objects of the Government by negotiation instead of force? He did not know if the Chancellor of the Exchequer would think it right to give an Answer; but it would relieve him (Mr. Whalley) and many others of any further trouble if the Chancellor of the Exchequer would inform the House what were the relations existing between this country and Russia with regard to the war now going on in the East, and any other information which he might think it desirable to give to the House.

THE CHANCELLOR OF THE EXCHEQUER: I cannot think it convenient or for the interest of the public service that I should answer Questions of the nature of that put by the hon. Member for Peterborough. I do not wish to complain of his being desirous to obtain information; but I am obliged to say, in the interest of the public service, that it is not a Question that I can answer. If

there were any information which Her Majesty's Government thought it desirable to give to the House, we should take an opportunity of doing so.

ORDERS OF THE DAY.



SOUTH AFRICA BILL. [Lords.] [BILL 195.]

(Mr. J. Lowther.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

On Motion that the Preamble be postponed,

MR. O'DONNELL said, the Government were pressing forward this Bill with objectionable haste. They had not supplied the House with the information absolutely necessary for the full and fair examination of the details of the Bill or to enable them to judge of the policy or necessity of the measure. Very little light had been thrown on our relations with the Dutch or with the Natives, or upon the annexation of the Transvaal, by the Under Secretary, who was conducting the Bill through the House in a perfunctory, light, and airy, though agreeable manner. In the debate last night several points had been raised which required elucidation; but almost the only matter noticed by the Government was the statement made with respect to Sir Henry Barkly in the early part of the evening, and that was met in the usual official style, by declaring that Sir Henry Barkly was a most valuable public servant. Before proceeding further with this Bill, the Delegates from South Africa ought to get a hearing from this honourable House. The hon. Member was proceeding to discuss the question of the annexation of the Transvaal, when——

THE CHAIRMAN said, the hon. Member was out of Order in discussing the question of annexation. The Question was that the Preamble of this Bill be postponed.

MR. O'DONNELL said, he was desirous that the House should not proceed with the Bill until they had heard what the Delegates from South Africa had got to say, and for that purpose he would move that the Committee report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again. — (Mr. O'Donnell.)

THE CHAIRMAN said, that the subject of the annexation of the Transvaal which the hon. Gentleman sought to introduce had no connection with the Motion before the Committee.

MR. O'DONNELL said, his whole action with respect to the Confederation scheme would be altered if the Government afforded that information regarding the entire question which the House of Commons was entitled to have.

THE CHAIRMAN said, that the observations of the hon. Member must be confined to the Question whether the Preamble should be postponed or not, and that he could not go into subjects which were not before the Committee.

MR. O'DONNELL said, he merely wished to refer to the Republic, and to give other reasons why the Committee should not be proceeded with.

MR. J. LOWTHER said, that the hon. Gentleman had stated as the ground of the Motion he had made that, in the first place, no adequate information had been afforded by the Government with regard to the admission of the Transvaal State to the advantages of British connection. Now, he (Mr. Lowther) held in his hand several large Blue Books which had been for some time on the Table of the House, and which contained the fullest information in the possession of the Government, and carried it down to the latest moment at which communication had been held with South Africa. Further than that he did not see how it was possible the Government could go. The hon. Gentleman had also stated that full information had not been given by the Government as to their policy on this subject. Now, whatever criticisms had been passed on his observations on the second reading of the Bill, they almost uniformly pursued the course of deprecating the length at which he had dwelt on this subject of the Transvaal. He stated last night why he had felt it to be his duty to take the first opportunity of giving to the House the views of Her Majesty's Government on that point. But the fact was, hit high or hit low, there was no giving the hon. Gentleman satisfaction. The hon. Gentleman had

also passed some criticisms on the taste of the observations he had made last night. No one was a fair judge in his own cause, and therefore he would most cheerfully bow at any time to the judgment of the hon. Member on a matter of that kind; but he would venture to suggest that such criticisms would more appropriately have come from any hon. Gentleman who had heard that speech—he was in the recollection of the Committee when he ventured to express a doubt whether the hon. Gentleman was in his place at the time. When the hon. Gentleman talked of “the airy, light, and perfunctory” manner in which he had stated the policy of the Government, he must remark that he had to trespass on the indulgence of the House for upwards of three-quarters of an hour, during which the hon. Gentleman was not in his place. He could only say that the fullest information in the possession of the Government had been candidly and without the least reserve placed in the hands of the House, and that the fullest explanation of the Bill had been given which his humble powers enabled him to give. He must thank the House for the kindness with which they had listened to him and the indulgence with which his observations had been received. He could only assure the hon. Gentleman that any remarks he might make with respect to the clauses of the Bill would be most fully and candidly considered, and any contributions the hon. Gentleman might make towards the improvement of the Bill would be most cordially accepted. He hoped in these circumstances the hon. Gentleman would accept this explanation and withdraw his Motion.

SIR GEORGE CAMPBELL was sorry that the subject of the transfer of the Transvaal had got mixed up for the second time with the question of the Confederation of South Africa. The Cape Colony had some 200 square miles of territory—quite enough for management, without taking the responsibility of the government of Central Africa. The question of Confederation was of itself one of enormous importance, as it involved the settlement of South Africa and the position of the Whites towards the Blacks, and he felt disappointed that the Leader of the House had not thought this a matter of sufficient importance to deal with last night. He still considered

that no pressing necessity had been shown for pressing this Bill in such a hurry at the fag-end of the Session—on the contrary, the extreme importance of the Bill made it very desirable that it should not be passed this year, and especially as the South African Colonies had not asked for it. But he felt bound to yield to the majority of the House, and therefore he was willing to proceed with the Bill in Committee provided reasonable concessions were made by the Government in some of the clauses. The hon. Member was about to refer to certain clauses, when——

THE CHAIRMAN pointed out that the hon. Baronet would not be in Order in discussing any Amendment which had been placed on the Paper and which would come on in its regular course.

SIR GEORGE CAMPBELL said, he was willing to proceed with the Bill in Committee, and hoped that the hon. Member for Dungarvan would not press his Motion to report Progress. The hon. Member proceeded to say, that some observations in praise of Sir Henry Barkly were made last night; but after reading in the Blue Books of the conduct of Sir Henry while in the Mauritius he felt bound to hold a different view of his conduct.

THE CHAIRMAN said, that any reference now to the conduct of Sir Henry Barkly at the Mauritius upon the question of reporting Progress would not be in Order.

SIR GEORGE CAMPBELL said, he should adhere to his opinion upon the conduct of that gentleman, but he hoped that the Motion of the hon. Member for Dungarvan would be withdrawn.

MR. BIGGAR contended that the Government ought to make the necessity for this Bill clear to the House, and they had not yet done so. Then there ought to be proper time for discussing it. He understood that the people whom the Bill would affect were anxious to be heard at the Bar of the House by counsel, and it would only be fair that the House should hear what they had to say against the Bill.

THE CHANCELLOR OF THE EXCHEQUER: A question has been raised by the Motion of the hon. Member for Dungarvan which demands the consideration of the Committee, and it is this—whether this is the right and proper way in which measures should be discussed. It is generally understood that in proceed-

ing with Bills, the discussion on the principle of the measure is taken on the second reading. If the principle is then affirmed, and it is desired again to challenge it, another opportunity is afforded of discussing the principle on the Motion for going into Committee; if the House again affirms it, the House then goes into Committee, and the Committee proceeds to discuss the various clauses, and to decide the several questions as they arise. Of course, it is competent to a Member, for sufficient reason, to move to report Progress; but I doubt whether sufficient reason has been shown on this occasion, as the hon. Member has only expressed a desire to raise again questions which were discussed upon the previous stages of the Bill. This Bill is one of an important character, but so far it is merely permissive. It was discussed on the second reading; and though no doubt it is true my hon. Friend (Mr. Lowther) did not think it necessary to enter at very great length upon the question, he regarding it as a permissive Bill, yet there was a discussion in reference to the Transvaal. There was a large majority last evening that affirmed the principle of the Bill; but before the division was taken my hon. Friend made a full and able statement of the grounds upon which the Bill is founded. My hon. Friend the Member for Kirkcaldy (Sir George Campbell) moved an Amendment; but it did not indicate any hostility to the Bill. The debate lasted all the evening and some very important speeches were made, but nothing was said which seemed to require a reply from me. I can see no justification for the delay proposed by the hon. Member for Dungarvan (Mr. O'Donnell)—any objection of that character, if taken at all, should have been taken on the second reading; and the proper course now is to proceed with the discussion of the clauses; and as there is no justification for reporting Progress I hope the hon. Member for Dungarvan, whose object is the same as our own, will withdraw his Motion, and that the Committee will be allowed to proceed with the Bill. I can assure the House that the Government are prepared carefully and candidly to consider all questions that may affect the Native races.

MR. WHALLEY joined in appealing to the hon. Member for Dungarvan to

withdraw his Motion. There were good reasons why the Committee should proceed with the Bill in the ordinary course of Business, and there were good reasons why the Bill should be passed this Session. He thought one reason in reference to the subject to which the right hon. Gentleman had just referred was this—that the gentleman who had had much to do with this matter in South Africa occupied an exceptional position; but he had been a successful administrator at Natal for 30 years, and was looked upon by the Natives as their father, and therefore it would be well that such an experienced man should have the conduct in settling the affairs of the Native race. It would be a great misfortune if the Bill should not be passed this year.

MR. COURTNEY said, that the Preamble of the Bill referred to certain Colonies and States in South Africa, and in the 4th clause the Transvaal Republic was mentioned, and it was therefore a part of the material upon which the Bill was founded;—that being so, the freest room ought to be allowed for discussing the whole subject. He desired, however, that his opposition to the measure should be distinctly regulated by Parliamentary rule and tradition—the House must be bound by the majority, otherwise there would be an end to all Parliamentary government — and he should abide by the vote of the majority. He was greatly disappointed, however, that the Chancellor of the Exchequer had not given any reason for going on with the Bill this year. Why should it be passed this Session? Nothing would be gained by it. They would lose a week in discussing it, and when passed into law it would be a dead letter. He hoped there would be some further explanation.

THE CHANCELLOR OF THE EXCHEQUER: In answer to the appeal of the hon. Member for Liskeard, I think I may say that the reason why the Government are proceeding with the Bill this Session is that the state of affairs in South Africa is of a critical character;—critical especially in this—that there is reason to apprehend possible disturbances amongst the Native races; and it is the opinion of the Government, especially of the Colonial Secretary, that the best course to take to arrest any danger which is apprehended is to promote the confederation of these different Colonies. There

has been a great deal of communication between the Representatives of the Government in the various Colonies in South Africa and the Government at home, and an arrangement has been very nearly arrived at between them and the Colonial Secretary as to the kind of measure which should be proposed. The object which the Government have at heart is to bring about that confederation, when approved by the Colonies and the Colonial Minister, with as little delay as possible. When a scheme has been agreed upon it will be presented to Parliament for its sanction; but if a scheme were presented now there would be a very great loss of valuable time. It is desirable, therefore, that Parliament should affirm the principle of confederation, and indicate to the Colonies the general basis on which they will sanction confederation at a future time. This Bill has passed one House, and passed the second reading in this House; and Parliament has therefore pointed out the principles upon which confederation ought to proceed, and has affirmed that it will be prepared to sanction confederation on those principles. This Bill, therefore, will be for the guidance of the Colonies; and if it should be allowed to go on it will be, with the discussions which will take place, of the highest value in any arrangement which may be made by the Colonies within themselves. I hope I have answered the Question of the hon. Member. The Bill is of a permissive character. It imposes nothing upon the whole or any single Colony, but leaves them all free to accept the suggestions made—the object being to put the suggestions in a form which would afterwards receive the sanction of Parliament. For the sake of the general interests of the Empire I hope we shall be allowed to proceed with the discussion, and that it will go on in a business-like spirit. The Government will give ample time for the consideration of all the clauses.

SIR GEORGE CAMPBELL asked when the clause which was to deal with the representation of the Native races would be put on the Paper? He had heard with satisfaction that it was to be dealt with, and that there would be full opportunity to discuss it; but the stage of Report would not afford it if the clauses were to be galloped through in Committee.

The Chancellor of the Exchequer

MR. J. LOWTHER said, he was glad to hear a suggestion of rapid progress. The question would be properly raised on Clause 25, to which there was an Amendment by the hon. Member for Liskeard (Mr. Courtney). He was in communication with the right hon. Member for Bradford about the terms of an Amendment to be mutually agreed upon.

MR. COURTNEY said, the Chancellor of the Exchequer had spoken fairly, but had not satisfied him. It was admitted that negotiations with the Colonies were going on. The second reading of the Bill would indicate that Parliament approved the principle of Confederation, and the clauses would show upon what lines Parliament was prepared to go; but there was nothing in the Bill to show how the Native question was to be dealt with except that it was to be referred to the Legislature of the Confederation.

MR. E. JENKINS said, he thought the statement of the Chancellor of the Exchequer was perfectly frank and undeniable, and he could not comprehend why the hon. Member (Mr. Courtney) should get up and state his opinions again. He took it for granted that the Chancellor of the Exchequer referred to a period subsequent to the negotiations in the Papers before the House. He took it for granted when the Government stated that there were good reasons known to the Colonial Office why the Bill should be passed, that the House ought to come to the practical conclusion that the Government were in possession of information which they were not prepared to lay before the House, but which justified them in pressing the Bill forward. [*Interruptions.*] Surely the question which initiated this Bill had been already discussed. He had called attention to the question himself; but as it had been initiated by the Colonial Office, that Office could not but maintain the position which it had taken up. As to the manner in which the Native races were to be treated, he could not conceive a greater mistake in policy than that the House should lay down hard-and-fast lines as to the way in which that question should be settled. Lord Carnarvon had shown that he was actuated by a spirit of humanity, and they could not but believe that he would arrange the matter on principles which the House

would support, and he was willing it should be left in Lord Carnarvon's hands. At the same time, he sympathized with the position of the hon. Member for Kirkcaldy (Sir George Campbell), and with the desire which had been strongly expressed on both sides of the House that they should put such provisions in the Bill as would secure the Native races from anything like tyranny or any infringement of their rights. He hoped that those who were opposing the Bill would give it a fair and straightforward opposition. Certain hon. Members were opposing it on the ground that they were asked to adopt the federal principle in relation to the Colonies which the House was unwilling to apply to the United Kingdom. He sympathized with those Members who desired to relieve the Imperial Parliament from the pressure of local business, and he believed that any reasonable proposal to that effect would be considered in the House. He did not say that a cut-and-dry scheme, which they were not prepared to think was consistent with Imperial interests, would be adopted; but anything like a reasonable scheme would be considered, and he should be prepared to give it, to some extent, his support. But he did not conceive that that question could at all be dragged into this discussion. The hon. Member having been much interrupted in his speech by cries proceeding chiefly from benches behind him, said he did not conceive why he should be interrupted—he was saying nothing irrelevant to the Question. They had listened last night to objections urged against the Bill *ad nauseam*, and he hoped they would now be allowed to proceed with the Bill in Committee.

MR. MONK said, he had interrupted the hon. Member because they were anxious to proceed with the consideration of the Bill, and he and others with him thought that hon. Members who had addressed the Committee were abusing the Forms of the House for the purpose of delaying the progress of the Bill.

MR. E. JENKINS, with much heat, rose and said: Sir, I rise to Order. I deny that I have abused the Forms of the House. I move that those words be taken down.

MR. PARNELL: I second that Motion. I think that the limits of for-

bearance have been passed.—[“Hear hear!”] I say that I think the limits of forbearance have been passed in regard to the language which hon. Members opposite have thought proper to address to me and to those who act with me.

THE CHANCELLOR OF THE EXCHEQUER: I move that these words be taken down also—that “the limits of forbearance have been passed in regard to the language used towards the hon. Member.” I think the House is entitled to an explanation of that expression.

MR. PARNELL: I rise to Order. I wish to ask, Sir, whether the Chancellor of the Exchequer is in Order in submitting a fresh Motion before the former one has been settled?

THE CHAIRMAN: The proposal of the hon. Member for Dundee is not strictly speaking a Motion—it is not a Question which can be put from the Chair, but is a proposition on which it will be my duty to take the general opinion of the Committee. I may perhaps, however, be relieved from any further obligation in the matter when I state that it appears to me that the words of the hon. Member for Gloucester (Mr. Monk) were not in themselves a breach of Order. If the hon. Member for Gloucester intended to impute to the hon. Member for Dundee, or any other hon. Member, any malicious intention of abusing the Forms of the House, that imputation would, no doubt, have been out of Order; but it did not seem to me that the words of the hon. Member were so intended, and I think that, perhaps, under the circumstances, the Committee will be satisfied if the hon. Member can give an assurance to that effect.

MR. MONK: I imputed no malicious intention to the hon. Member for Dundee. [“Hear, hear!”] I have nothing to add to what I have already said—that I think that some hon. Members have abused the Forms of the House in order to prevent the Government from making progress with this Bill in Committee. [Cheers.] It is a Bill with regard to which the House has decided by an enormous majority that it should go into Committee, and I think it is time that this discussion should cease, and that the Government should be allowed to go on with a measure which they consider of importance to the interests of the country.

MR. COURTNEY: I repudiate altogether the idea that I have in any way abused the Forms of the House, or that I have sought unnecessarily to delay the progress of this Bill, and the words of the hon. Member do appear to me to involve a question of Order.

MR. PARNELL: Sir, it is a dangerous thing for me to attempt to speak in this House; but I think I have reason to complain of the persistent interruptions with which I have been met by certain hon. Members while I have been attempting to discharge my duties, and of the intimidation to which many of the Members of this House resort in order to prevent me from discharging my duty. [*Loud cries of "Hear, hear!" and "Order!"*]

THE CHAIRMAN: The hon. Member is not in Order in accusing hon. Members of this House of intimidation. The hon. Member must withdraw the expression. [*Cheers.*]

MR. PARNELL: I was expressing my opinion, Sir, that intimidation has been used towards me—[*"Order!"*—by the English Press. [*Cries of "Hear, hear!" and "Withdraw!"*]] I express my deliberate opinion, Sir, that deliberate intimidation has been resorted to towards me by the Press of this country in order to coerce me, and to prevent me from doing what I consider my duty; and so long as I have the honour of a seat in this House I shall not allow myself to be prevented from speaking what I may think it necessary to speak, or from taking such steps as I may think necessary. [*"Order! order! withdraw!"*]

MR. ONSLOW: I rise to order. You, Sir, have ruled that the words of the hon. Member for Meath attributing intimidation to Members of this House should be withdrawn. They have not been withdrawn; and I ask you, Sir, whether it is right that the hon. Member should be allowed to go on with his remarks until those words have been withdrawn?

THE CHAIRMAN: I understand the hon. Member for Meath to say that the observation he made had reference to the Press of this country. I understand that the hon. Member expressly disclaims his intention of applying these words to any Members of this House, and I do not think it necessary to carry the matter any further.

MR. PARNELL said the hon. Member for Dundee (Mr. E. Jenkins) was wrong in supposing that he or those who acted with him objected to the passing of this Bill because the plan proposed by the hon. and learned Member (Mr. Butt) for the union of England and Ireland had not been properly considered by the House. He did not object to the Bill on that ground; but he had called attention on the previous night to the inconsistency of the Government, which endeavoured to force the South African Colonies to confederate, while they refused even to consider a measure brought forward by the hon. and learned Member for Limerick to carry out a similar plan as regarded England and Ireland. [*"Order!"*]

MR. PULESTON rose to Order. He desired to ask whether the hon. Member was acting in conformity with the Rules of the House, in introducing a subject which was extraneous to the Question before the Committee?

THE CHAIRMAN: The hon. Member is discussing in a very wide and unusual manner the Motion to report Progress; but as the Bill establishes the principle that he wishes to see adopted elsewhere, I cannot say that I think he is out of Order. At the same time, I must point out that it is very unusual to move to report Progress upon the Motion that the Preamble of a Bill be postponed.

MR. PARNELL said, he was afraid he had not been able sufficiently to explain himself, owing to the persistent interruptions and calls to Order of Members opposite. No doubt those hon. Members were actuated by honourable motives and intentions, but the result was merely to protract the debates which they were desirous of shortening. He had been endeavouring to explain his charge of inconsistency against the Government in pressing this scheme on the South African Colonies when they refused to consider the plan of the hon. and learned Member for Limerick with regard to the relations between England and Ireland. The hon. Member was proceeding to refer to the subject of the federation of the United States of America and to the conduct of the Federal Government towards the Southern States at the close of the Civil War, when—

THE CHAIRMAN again called the hon. Member to Order, and said that

the hon. Member's remarks must be in some way pertinent to the Question before the Committee. The policy of the American Government could have nothing to do with this Bill.

MR. PARNELL said, the treatment of the White and Native races was a subject of great importance. This Bill ought not, therefore, to be passed in its present shape, and no further time should be lost in discussing it. The hon. Member was proceeding to refer to the subject of the White and Native races in South Africa, when—

THE CHAIRMAN reminded the hon. Member that he was travelling beyond the question. It was open to the hon. Member to bring up a clause or propose Amendments on the subject of the White and Native races when the clause relating to that subject came before the Committee.

MR. PARNELL said, he bowed to the ruling of the Chair—that the Question now before the House was that the Committee should report Progress, and that he could take another occasion for discussing the relations between the White Colonists and the Native races—and he would now state why he thought the Government ought not to waste any more time over this Bill, but proceed to finish other questions of national importance before they took in hand this new job. He desired to say that the scheme for the confederation of the South African Colonies was a part of the selfish policy of the British Government—their want of consideration for the wishes of others, and their total disregard of the interests and requirements of the Colonies themselves. The hon. Member, who spoke amid much confusion, and who was twice called to Order by the Chairman, was understood to say—As it was with Ireland, so it was with the South African Colonies, yet Irish Members were asked to assist the Government in carrying out their selfish and inconsiderate policy. Therefore, as an Irishman, coming from a country which had experienced to the fullest extent the results of English interference in its affairs and the consequences of English cruelty and tyranny, he felt a special satisfaction in preventing and thwarting the intentions of the Government in respect of this Bill.

THE CHANCELLOR OF THE EXCHEQUER immediately rose and said: Sir,

I move that those words be taken down by the Clerk at the Table.

The words having been taken down by the Clerk at the Table,

THE CHANCELLOR OF THE EXCHEQUER: I apprehend, Sir, that it is now the course to move that these words be brought under the notice of the House. I therefore move that you, Sir, do leave the Chair, and do report the words of the hon. Member for Meath to the House.

Motion made, and Question, "That the Chairman do report the same to the House," put, and *agreed to*.

MR. SPEAKER having resumed the Chair,

MR. RAIKES: Sir, I have to report that during the progress of the Committee the hon. Member for Meath used these words, which were afterwards, by direction of the Committee, taken down by the Clerk at the Table—that is the hon. Member for Meath, regarding the progress of the Bill in Committee, expressed "his satisfaction in preventing and thwarting the intentions of the Government in respect to this Bill." It was also ordered that I should report these words to the House.

MR. PARNELL rose to speak; but being called to Order, sat down.

THE CHANCELLOR OF THE EXCHEQUER: It was upon my Motion, Sir, that those words were taken down, and I wish to state to you and the House as properly constituted, yourself in the Chair, the circumstances under which these words were used, and the reason why I desired that they should be taken down by the Clerk at the Table. The question which was under consideration of the Committee was a Motion that had been made by the hon. Member for Dungarvan as soon as the House had gone into Committee on the South African Bill that the Chairman should report Progress. Considerable discussion had taken place upon that Motion, and several hon. Members had taken part in that discussion, and had ranged in their observations very far beyond the Motion itself. They had embarked in discussions on the principle of the Bill, which, as I consider, had been legitimately discussed and affirmed by the House both upon the second reading and upon the Question that you do leave the Chair; and in addition to that the

hon. Member for Meath had travelled so far from the subject of discussion as to have at least twice given occasion for the Chairman of Committees to call upon him to confine his observations to the subject which was properly before us. In the course of his observations the hon. Member made reference to a statement which I had made previously in the discussion in Committee, in which I had stated what the grounds were upon which the Government proceeded, and the reason why they desired that this Bill should be proceeded with. I had stated, among those grounds, that it was important for Imperial interests and for the interests of the Colonies in question that the Bill should be proceeded with forthwith. The hon. Member for Meath, in his observations, ignoring entirely my statement that it was for the interests of the Colonies that the Bill should be proceeded with, asserted that it was for Imperial, or, as he described it, for selfish interests, that the Government desired to proceed with the Bill; and he went on to use the words which have been taken down, that "he therefore felt satisfaction in preventing and thwarting the action of the Government." Sir, I desire, on the part of not only the Government, but as I believe of the whole House, to call your attention to the difficulty in which we are placed in conducting Public Business by proceedings such as those which have taken place this morning, and which are not altogether without precedent on recent occasions—[*Cheers*—]—and I desire to give Notice that on Friday next, at the beginning of Business, I shall submit a Motion to the House with reference to the course of Business, and shall make a proposal which I hope may have the effect of facilitating Business. At present, if I am in Order—as I believe I am—I will conclude with the Motion—

"That the hon. Member for Meath be suspended from his functions of speaking and taking part in the debates of this House until Friday next."

MR. BIGGAR rose to address the House, but on cries of "Order!" resumed his seat.

MR. SPEAKER: Before proceeding further in this matter, according to the practice of this House, I think it would be right that the hon. Member for Meath should be heard in his place; and, after

having heard what the hon. Member may desire to address to the House, then, if it be the wish of the House, it will be proper that I put the Motion from the Chair.

MR. BIGGAR having again risen—

MR. SPEAKER: I call upon the hon. Member for Meath. If the hon. Member does not wish to have the advantage of speaking on this occasion, it will be my duty, according to the practice of the House, to call upon the hon. Member for Meath to withdraw.

MR. BIGGAR: I rise to Order. ["Order!" "Sit down!"]

MR. SPEAKER: Does the hon. Member for Meath intend to address the House?

MR. PARNELL: Mr. Speaker, I really do not know whether there is any use in my addressing the House on the present occasion. I think the House has already decided the matter in its own mind without waiting for any observations that I may have to make. But perhaps it might be well for me to state my opinion as to the course that the Chancellor of the Exchequer has thought proper to take on this occasion, and also my views on the subject generally. And, first, I ask you, Sir, whether, as a matter of Order, the Motion just proposed by the Chancellor of the Exchequer can be put without due Notice being given, in accordance with the Forms of the House? If any hon. Member objects to it?

MR. SPEAKER: I called upon the hon. Member to give any explanations as to the words reported to have been used by him in Committee; and any observations he may have to make must be confined to that matter.

MR. PARNELL: Well, Sir, with regard to the words themselves, I believe they were correctly taken down with the exception of one word. I think I used the word "interest" instead of "satisfaction;" and I wish to point out to the House the circumstances under which I made use of those words—words which I believe I was thoroughly justified in using notwithstanding the very extraordinary and unprecedented course the Chancellor of the Exchequer felt himself justified in taking. I regret that in addition to moving that these particular words be taken down he did not move that all the words I had used just previously to those words should be taken

The Chancellor of the Exchequer

down, because it would have saved me the necessity of repeating to the House what I felt it my duty then, in the circumstances of the case, to state. I was alluding, Sir, to the circumstances under which this Bill had been brought forward. I stated that no motive with regard to the interests of the Colonies was apparent to me from the way in which the Government had brought forward this Bill; but it appeared to me that the Government of this country had followed the selfish precedents that had always guided successive Governments in their treatment of subject and Native races. I need not refer to history to support the accusation that successive Governments of this country have always treated those whom they thought they could bully and oppress without reference to their interests. ["Order!"]

MR. SPEAKER: I must caution the hon. Member that he must not use words of menace to the House.

MR. PARNELL: I do not know whether these were words of menace, but I have no intention of offering any words of menace to this House or to anybody else. I shall not follow the example set me in that respect in these last few days by the English Press, and certainly as I think on the part of Members of this House. ["Order, order!"]

MR. J. R. YORKE: The hon. Member has repeated that he has been subjected to menaces on the part of Members of this House. I move that the words be taken down.

The Motion having been put and agreed to, the words were taken down by the Clerk at the Table.

MR. PARNELL: Let me know, Sir, what these words are. ["Order, order!"]

MR. J. R. YORKE: The hon. Member stated that he had been subject to menaces on the part of Members of this House.

MR. PARNELL: I did not use those words.

SIR CHARLES RUSSELL: I rise, Sir, to say that the words quoted were the words used.

MR. MACDONALD: I rise to Order. Those were not the words used.

MR. PARNELL: Mr. Speaker, I certainly did not use the words stated.

MR. SPEAKER, taking the Paper handed to him by the Clerk at the Table,

said: The words reported to have been used are these—that the hon. Member "had been subjected to menaces on the part of Members of this House." I desire to know whether the hon. Member for Meath admits the accuracy of those words?

MR. PARNELL: I did not use those words. ["Oh, oh!"] I distinctly deny it. But, at the same time, I am ready to repeat—

MR. SPEAKER: I have already stated to the hon. Member that he is at liberty to address the House upon the words reported to have been used by him in Committee of the House; but any observation he desires to make must be confined to those words, and those words only. If he is not prepared to make any observation upon those words, I must call upon him to withdraw.

MR. PARNELL: I was proceeding to explain the circumstances which induced me to use the words, and I was pointing out to the House that it was necessary for me to go into historical examples in order to prove that successive English Governments have always been utterly disregarding of those inferior and weaker nations and countries with which they have come into contact. ["Order!"]

MR. SPEAKER: These observations are not pertinent to the Question before the House, and if the hon. Member persists in departing from the instructions I have given him—namely, that he must confine himself to the words he is reported to have used in Committee, I must call upon him at once to withdraw. [Cheers.]

MR. PARNELL thereupon withdrew.

MR. SPEAKER: The words which were used by the hon. Member for Meath were to this effect—he stated "his satisfaction in preventing and thwarting the intentions of the Government with respect to the Bill before the House." Those words are before the House. Now, the House is perfectly well aware that any Member wilfully and persistently obstructing Public Business, without just and reasonable cause, is guilty of a contempt of this House; and is liable to punishment, whether by censure, by suspension from the service of this House, or by commitment, according to the judgment of the House. Having stated this, I must leave the con-

duct of the hon. Member for Meath to the just judgment of this House.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Speaker, I feel very much—and I am sure the House will feel very much—the position in which we are placed. They will feel with me a great reluctance in any way to appear to interfere with absolute freedom of discussion on the part of hon. Members, and a great unwillingness to take notice even of cases in which freedom of discussion has been carried so far as to degenerate into—what I may call—licence and obstruction. But, Sir, I feel that we have a duty to perform—*[loud cheers]*—and I feel that the character of this House is at stake. *[Cheers.]* No one, I am sure, could be more reluctant than I am to propose or to countenance any measures which could be described as violent, or hasty, or vindictive measures;—but I do feel that it is my duty—holding, as I do, a position in this House, which makes me, in a certain sense, primarily responsible for the conduct of Business—I do feel that it is necessary to propose that we should consider in some way the causes which have recently prevented the progress of Public Business, and to call attention especially to what has taken place to-day. Sir, what I propose to do is on Friday next to submit some proposition to this House with reference to some points of the conduct of Business generally. I will not at present describe more particularly what I shall propose; but, in the meantime, I feel it to be my duty to propose that distinct notice should be taken of the conduct of the hon. Member for Meath—*[Cheers]*—and I therefore shall propose this Resolution to the House—

“That Mr. Parnell, having wilfully and persistently obstructed Public Business, is guilty of a contempt of this House; and that Mr. Parnell for his said offence be suspended from the service of the House until Friday next.”

Motion made, and Question proposed, “That Mr. Parnell, having wilfully and persistently obstructed Public Business, is guilty of a contempt of this House.”—*(Mr. Chancellor of the Exchequer.)*

MR. WHITBREAD: Sir, I desire to make a few remarks on this matter—which is a matter of serious importance to the House and the country. No one can complain of any want of patience exhibited by the Leader of the House,

Mr. Speaker

and no one can have a word to say against the extremely temperate address which he has just made to us. But I am not quite sure that the whole of the course which he has proposed to us is the right one to take. It is extremely desirable that the House should be unanimous, or nearly unanimous, on whatever course of action it may determine to take. Now, I will say for myself that I am one of those who have long seen that the temper and patience of this House have been tried almost beyond endurance—I may say that I think it is not possible that the House of Commons, with due regard either to its own dignity or to the interests of the country, could continue without taking notice of the obstruction which has been persistently and deliberately, day after day, and night after night, offered to its proceedings. But, Sir, I think that whatever notice is taken of this obstruction, and whatever step is taken in consequence of it, it should not be taken in haste, nor until after due Notice has been given. To the first part of the Motion of the right hon. Gentleman I have not much objection—I think that the hon. Member for Meath has been guilty of contempt of this House: but the latter part of the Motion involves taking a step which, although it may become necessary, and might be justifiable if we could not meet the difficulty in any other way, yet is one which I think ought not to be taken without due Notice. It is a step which, if taken in a House which is not full, and without the weight and authority of the Leaders of the Opposition, is one which might be regretted afterwards. The right course, I think, would be to defer, at all events, that part of the Motion until Friday or tomorrow. I am very desirous that what I have said should not lead to division or conflict in the House; and if the right hon. Gentleman sees reason for accepting this suggestion, I believe it is one which will be acceptable generally to both sides of the House. But I wish to add another word with reference to any action which may be taken in the matter—and that is, that I hope that nothing will be done in derogation of the general limits of the rights which protect minorities—rights which we have found by long experience to be necessary to the due protection of minorities in this House. It is possible that those rights may be

abused; but if once you embark on a course of limiting the rights of minorities, I invite you to consider that it may not be possible to stop until you have so curtailed those rights as practically to destroy the action of minorities altogether, and reduce them to the position of being unable to state objections, or even to move Amendments. I can never consent to a general limitation of the rights of minorities. I hardly know any ground on which the House could be called upon to make such a sacrifice. With these views, I would recommend to the serious consideration of the right hon. Gentleman and the House whether it would not be better that we should have at least 24 hours for the consideration of this grave matter, before we enter on the course that has been proposed.

MR. SULLIVAN: Sir, I am in the painful position of being unable to speak for the hon. Member for Meath. The hon. Member has not entrusted his case in my hands, inasmuch as on the threshold of these proceedings he came into a conflict with myself which, if it did not sunder our friendship, has certainly estranged our action in this House. I have differed with him in regard to the line of action which he has pursued; but, Sir, there is a grave issue raised by the Motion before us—one which strikes at me, which strikes at you, and which strikes at the liberty and independence of every Member of this House. The words of the hon. Member for Meath have been taken down, and upon those words he is, so to speak, to be put upon his trial here to-day. I was not in the House when those words were spoken, but I have seen the words as entered on the Paper on the Table of the House; and if all that my hon. Friend said was that he was glad to have resisted the intentions of Her Majesty's Government, I—though I am slow to put myself in unfavourable antagonism to this House, fully conscious of the responsibility of doing so—yet I am bound to say that I, too, may feel it to be my duty to resist the intentions of Her Majesty's Government. That which would take from me the right of opposition, would leave me in the position of being no longer an independent Member of this House; and I should have to tell those in Ireland who sent me here, that unless I am allowed to object to and resist the intentions of Her Majesty's Government, they had better

keep me at home in Ireland. What was it that brought down the noble Lord, who leads the Opposition in this House, on the occasion of the India Title Bill, if it was not to resist and thwart the intentions of Her Majesty's Government? That opposition may take various forms—of criticism or of resistance—but the House would have forgotten its own history, if it does not recognize the right of opposition—the right of individual Members to grapple hand to hand with the intentions of the Government—to trample those intentions under foot if they can:—and it is the legitimate right of every Member of that House to do so. With regard to the words of my hon. Friend which have been taken down, I challenge the House to say if he was not within his right in using them—unless my hon. Friend is to be tried upon something which is suppressed, and does not appear on the face of the indictment. If he is to be tried on those written words, surely this, the highest constitutional Court in the British Empire, will try him in a constitutional spirit by those words that have been taken down. Now, what Minister of the Crown will rise and state that it is a breach of Order for a Member to say that he wishes to resist—not the Business of the House, for that is not upon the Paper—but to resist the intentions of the Government? Are you going to lay down a rule, by precedent, so fatal to your liberties as to prevent all resistance to the intentions of the Government? The intentions of the Government! We thought a few months ago that the Government intended to go to war for Turkey. What brought down the right hon. Gentleman the Member for Greenwich to the House, if it was not to resist from his place the intentions of the Government, as he understood those intentions. To “thwart” the intentions of the Government was his purpose—he avowed and proclaimed it from platforms throughout the country. Was he out of Order? Why were not his words taken down, and himself called upon to answer for contempt when he struggled against the Government on the floor of this House? And what more than he did is on the Paper to-day? I hope that, although for the moment heat and temper may seem to prevail, Members of this House will in the end judge of this matter in a liberal spirit as

between Gentlemen and Gentlemen. But I now ask you whether you are really trying the Member for Meath on the words which have been taken down, or are you not trying him on what he has been doing for the last two months? If for what he has been doing in those months, and not on the words that have been taken down, then that is fair and manly; but, if so, why not put that issue on the Paper? The Clerk of the Table holds in his hand the only record upon which you can take action, and hon. Members avow they are going beyond that record. Try my hon. Friend, but not without putting the issue in proper form. I deny your right to do it; and if that is "the intention of the Government," I will resist it to the utmost. Try the Irish Member fairly, and condemn him if you will. Parliament is omnipotent; but I protest, as a Member of this House, against the notion that I am not to be permitted to discuss public matters in this House freely and independently, and free of the peril of being brought up for contempt by the vote of a majority. I appeal to the Chancellor of the Exchequer. I will not imitate my hon. Friend, although I am not speaking for him—but I appeal to the Chancellor of the Exchequer, and to his consideration as Leader of a House having a grand history and noble traditions, to pause and move slowly in what he is putting his hand to to-day. He is putting his hand to a matter as serious as has been undertaken by any Minister of the Crown for hundreds of years. These privileges of this House, the usages and liberties of Members, are not the creation of a single mind, but are the growth of a course of centuries—but to-day, because a Member has brought on difficulties in the exercise of his privileges—and I regret, I candidly avow, the manner in which they have been put in force—but are you, because of these difficulties, to cut down in an hour those rights and privileges which have come down to us, the growth of 400 years? I submit to the Chancellor of the Exchequer that this course must not be taken on resentment at the expense of the hon. Member for Meath. The right hon. Gentleman has acted with a fairness, a spirit of consideration, and a calmness which does him great honour; and I am bound to admit that, as an individual and as a Member of the Government, he has been the last

to move—at all events in any way of which we could fairly complain. I can hardly believe, when I consider how as a Minister of the Crown, he had been so ready to calm down the heated feelings arising in debate—I can hardly credit that this Motion has his entire concurrence; but I fear it may be forced upon him by the feelings of resentment of others around him. I ask the House not to put any part of the Question to-day, but let it all wait until Friday. The House has been ready to do strong things in a moment before this, but has been ready to be more moderate after time for reflection. Let us, then, come to the discussion on Friday, after a few days' rest. Let hon. Members who are not now here have time to learn what has transpired; and then on Friday you will come to act not in a manner which would be misconstrued in Ireland as an act of vengeance. Approach this act on Friday with the gravest deliberation, and you will at least have the satisfaction of knowing that you did not in heat and haste take a course which would be fatal to the liberties and the independence of private Members.

MR. KNATCHBULL-HUGESSEN: I very much regret not having been present in the House at the time when the words in question were used, and I regret still more that my noble Friend the Leader of the Opposition is not here to give us that counsel and advice which are always given without heat and in a wise and sensible manner. But I feel it impossible to be silent after the action of the Chancellor of the Exchequer. I suppose that no one could do a more unpopular thing at this moment than attempt to interpose between the wrath of the House and the hon. Member for Meath. I do not feel called upon in any sense to be the champion of the hon. Member for Meath, because during a somewhat long course of Parliamentary life I have never known so persistent an obstruction of the Business of this House, or so great a trial of its patience, as that inaugurated and continued by the hon. Member for Meath and his Friends, and oftener than once I have thought during recent occurrences that the time had arrived when this House, in consideration of its own dignity and credit, would be obliged to take some steps in reference to the continuance of that obstruction. But

Mr. Sullivan

let us ask ourselves plainly and calmly what we are really going to do on the present occasion. I cannot get rid of this idea—that it is proposed to take certain words which have been used by the hon. Member for Meath, and upon those words to punish him, not for the utterance of those particular words, but because of the conduct which he has been pursuing. Even if that is not the intention in the mind of the Chancellor of the Exchequer, is that not the colour which will be put upon our procedure by a very large portion of the people of this country? I believe the hon. Member for Meath ought to be arrested in his course of obstruction of the Business of this House; but it is most desirable that in so arresting him we should act in a manner to secure as great a unanimity as possible in this House, and, as far as possible, a general support from the public outside; and I believe, by taking hold of particular words and founding upon them a Motion to punish the hon. Member for Meath, we may give reason to the country to suppose that we are not punishing him for what we really do wish to punish him for, and may be establishing a precedent which we may hereafter regret. There is something else. What are those words themselves? If the words of the hon. Member had been that he took an interest and satisfaction in obstructing the Business of the House, that would have been a plain and intelligible reason why the House should interfere, but to take an interest in thwarting the intentions of the Government is a different thing. I have been some years in the Government, and I have never heard it disputed that Members had a right, although I have often heard Members say that they meant to employ every method to thwart the intentions of the Government. Do hon. Members not recollect what was done in connection with the Army Purchase Bill, the Ballot Bill, and the Jews Bill, and are we to be told now that the intentions of the Government are not to be thwarted? I am sure my right hon. Friend the Chancellor of the Exchequer, who is a man of calm mind and dispassionate judgment, will see on reflection that he has made a mistake. I appeal to the right hon. Gentleman and to the Gentlemen behind him, and still more to Gentlemen on this side of the House, whether they would

not be false to the traditions of the Party to which they belong in adopting a proposal which, in so many words, says that an hon. Member has incurred the displeasure of the House and should therefore be punished, because he wished to thwart the intentions of Her Majesty's Ministers. That, I am sure, is not the object of the Chancellor of the Exchequer—

THE CHANCELLOR OF THE EXCHEQUER: Certainly not.

MR. KNATCHBULL-HUGESSEN: If the hon. Member is to be punished for obstructing the Business of the House, let that appear in the indictment. But my main reason for rising was to impress upon my right hon. Friend the great desirability of following the advice given by my hon. Friend the Member for Bedford (Mr. Whitbread) and interpose some delay to the discussion of this question. The House will lose nothing by that. A great deliberative Assembly like this ought to move calmly and deliberately, and especially in regard to any alleged infringement of its own privileges. My right hon. Friend will lose nothing, the House will lose nothing; the House and the country will gain something by proceeding in this matter with due deliberation. I do not want to move any Amendment, because I do not want to appear as taking any action against the right hon. Gentleman; but I ask him to allow some delay, and to take care, in proceeding to vindicate the Rules of the House, in order that its Business may be carried on without unseemly, or improper obstruction—to take care that these Rules are vindicated in a spirit consistent with the calmness and dignity which should characterize this deliberative Assembly.

MR. GATHORNE HARDY: I so entirely concur, Sir, in most of the remarks made by the hon. Member for Bedford (Mr. Whitbread) that I am sorry my right hon. Friend opposite (Mr. Knatchbull - Hugessen) should have introduced into the advice he has given to the House something of a discussion upon what has occurred which rather entered into the merits of the case than into the question of the Adjournment of the Debate. My right hon. Friend, like myself, was not present when the words in question were used; but he has discussed the meaning of those

words in a manner which would rather tend to show that he had been present, and had observed the context and the effect of the words as bearing upon the former conduct of the hon. Member for Meath. My right hon. Friend the Chancellor of the Exchequer has proposed two Motions in a particular form, one of which only is now before the House—it is to the effect, that by wilful and pertinacious obstruction the hon. Member for Meath has been guilty of a contempt of this House. I will not enter at this moment into a discussion of the merits of that Motion, but what it comes to is this—that the hon. Member for Meath having, in the opinion of a great majority of the Members of this House, persistently taken a course of obstructing the Public Business—which the House has shown by majorities that it was desirous to proceed with—and in this particular instance, by taking that course in reference to a Bill now before it which is not in accordance with the usual mode of discussing its provisions, his offence culminated in an expression which, looking to his conduct and the context of his observations, bore the interpretation that he was thwarting and obstructing the Business of the House. [“No, no!” and “Cheers!”] Well, a Government measure which the House adopted by an enormous majority, of which the House has possession, and with which the House desires to proceed. Therefore the Motion is a justifiable one and the indictment is on the face of it. There is no attempt or desire, as the hon. and learned Member for Louth (Mr. Sullivan) seems to imagine, to shirk the position which the Government occupies—namely, that, in taking advantage of the words which the hon. Member used as the culmination of a long course of obstruction, they did in the Motion propose to censure that long course of obstruction. That being so, I quite admit to the hon. Member and others that it would be better the House should proceed calmly and without heat or passion to the consideration of a question of this character. It is a very grave question to interfere in any way with the freedom of speech of any hon. Member, or to declare any Member guilty of contempt of this House without good cause. I will, therefore, if the House permits me, move that the debate be adjourned until Friday.

Mr. Gathorne Hardy

CAPTAIN NOLAN, in seconding the Motion, said, Sir, I wish to point out to the House the position in which they will be landed if they take the advice which has been tendered to them by the right hon. Gentleman the Leader of the House. I may remind the House that they were told by the hon. Member for Hackney (Mr. Fawcett) that if money was to be voted for taking part in the war in the East, he would offer every obstruction in his power to the Government, and, if necessary, sit till Christmas to prevent its being voted. This was a threat of “obstruction” of the most violent and serious kind, to be offered under circumstances which might be of the most serious and urgent character; and if you now suspend, or by implication threaten to expel the hon. Member for Meath, will you afterwards suspend and threaten to expel the hon. Member for Hackney, who pledged himself openly to a course of obstruction, which the hon. Member for Meath has always disavowed? If you pass the Motion before you to-day, you will prevent a constituency from expressing its opinion on this particular question, in which it would have the deepest interest, and you will place a whole arsenal of weapons in the hands of all who choose to obstruct the Government. By your action in reference to the Tipperary election you transferred the Representative of that county from this side of the House to your own—[“Question!”]—and I believe it is the plan of the Government now to gain a third Irish vote—and three votes are often important on a division. [“Oh, oh!”] I believe that the annoyance caused to the House by the hon. Member for Meath on the previous evening is the real cause of the course that has been taken against him. The hon. Member endeavoured to dissuade the hon. and gallant Member for Waterford (Major O’Gorman) from proceeding with his Motion to report progress. He (Captain Nolan) did not wish to go into the same Lobby with him on that Question—both he and the hon. Member for Cavan endeavoured to dissuade the hon. Member for Waterford from going on, but, failing in that, he felt it his duty to follow the hon. and gallant Gentleman. The course now taken by the Government is, I think, only revenge for what took place last night.

MR. GATHORNE HARDY reminded the hon. and gallant Gentleman that he had moved to defer the discussion of the question until Friday.

CAPTAIN NOLAN: I wish only to observe that the Secretary of State for War made it the gravamen of his charge against the hon. Member for Meath that he had obstructed a Bill which had the support of the House, large majorities of which had signified their desire that it should proceed. That was not stated by way of argument by the right hon. Gentleman, but as a matter of fact; but he trusted that when the question came to be discussed, the House would approach the discussion in a different spirit, and not in connection with the past proceedings of the hon. Member for Meath. I read only half-an-hour ago in the Library the words of your Predecessor, Sir, in relation to a matter which the hon. Member for Meath has often fought in this House—namely, the transaction in it of Public Business at half-past 1 o'clock in the morning. ["Question!"] Why, is it the Question. My argument is, that the whole of the proceedings of this day, are connected with that action of the hon. Member for Meath, and as to that I have only to point out to you, Sir, that your Predecessor in giving evidence before a Select Committee on the Business of the House said that nothing could be more injurious for Parliament and the country than this habit of transacting Public Business after 1 o'clock. My hon. Friend has had to submit to great personal annoyance merely because he has resolved to endeavour to give effect to the course recommended by your Predecessor.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. Gathorne Hardy).*

MR. CALLAN said, the hon. Member for Meath had consistently declared that he had no intention of obstructing the Business of the House; but now besides judging his hon. Friend for the words taken down, there seemed to be a manifest intention of punishing him for conduct which it was alleged he had been guilty of in obstructing the Business of the House. This proceeding reminded him of the verdict of the jury in the north of Ireland, who were empannelled for the trial of a man for murdering an

Orangeman. For the defence the man supposed to have been murdered was called, but the jury found a verdict of guilty, and when the Judge asked the foreman how they could possibly find such a verdict, he replied,—“Not guilty of murder, my lord, but he stole my grey mare.” The hon. Member for Meath was about to be put upon his trial not for thwarting the intentions of the Government, but for the course he had pursued, and which was not alluded to in the Motion. He remembered that when the Ecclesiastical Titles Bill was before the House a similar determination to oppose the progress of the measure was declared, because it was said to be a penal measure directed against the whole Catholic population of the country. The Bill was supported by “a large majority” of the House; but those who opposed it were not held to have offered any “obstruction to the Business of the House.” But now the Secretary of State for War appeared to hold that to oppose a measure that was favoured “by a large majority of the House” was a contempt of the House. And the Secretary for War seemed to desire to court martial this House. But before they voted on this Motion there was one question he should like to ask the Speaker—What would be the position of the hon. Member for Meath until Friday next? An important Irish question was coming on for discussion to-morrow—and he should like to know whether the hon. Member for Meath would have a right to take part in that debate? The answer to the Question would decide many Irish Members as to how they should vote.

MR. SPEAKER said that, pending the judgment of the House on the Main Question before it, the hon. Member for Meath was at liberty to enter the House and take part in the proceedings.

MR. HERMON said he did not think there was any particular crime in the words that had been taken down. At the same time, it could not be denied that there had been consistent obstruction of Business and a trifling with the time of the House. He did not think this was the time to raise the question; but they would require soon to consider whether something should not be done to prevent the time of the House being trifled away. He did not think that the words which had been taken down ought to be made the foundation of the Reso-

lution at which the House was asked to arrive.

MR. WHALLEY maintained that all the obstruction in dispute was due to the action of the Government themselves and not to individual Members of the House. He had not been always able to act with the hon. Member for Meath; but he had sometimes done so, and he believed that what was called obstruction had often been in accordance with the interests of the public and the opinions of the highest authority. The Government had themselves to blame for the delay in the progress of Public Business.

MR. DILLWYN wished to know, first, when the terms of the Resolution which the Chancellor of the Exchequer proposed to move on Friday would be laid before the House; and, in the next place, whether the discussion on both the important questions involved would be taken on the same day. Not a moment's time should be lost in giving Notice of the Resolution, which might be of vital importance.

SIR JOHN LUBBOCK said he did not agree with what had fallen from his hon. Friend the Member for Peterborough. His hon. Friend said the obstruction which he regretted had been greatly due to the course pursued by Her Majesty's Government. As a Liberal Member, he felt bound to say that, so far from that being the case, Her Majesty's Government had shown great forbearance.

MR. WHALLEY denied that he had said so. He said that Her Majesty's Government were responsible for not dealing with a remedy for the obstruction—namely, by taking care that the Business of the House should be conducted at an earlier hour.

SIR JOHN LUBBOCK was glad he had misunderstood the hon. Member; but the distinct impression left by his observations on the mind of many Members was that he blamed Her Majesty's Government. He wished, as a Liberal Member, to say that the Government had acted with great forbearance and tact as well. A great deal had been said about punishing the Member for Meath. Now, he was not prepared to say what course he should adopt when the conduct of the hon. Member came to be considered; but whatever course he took he should not be guided by any wish to punish the hon. Member. He

did not regard the Motion as brought forward with respect to the conduct of one Member—but to put a stop to recent objectionable practices, by which the whole Business of Parliament had been impeded, much to the injury not of this country only, but of Ireland and the whole Empire.

THE CHANCELLOR OF THE EXCHEQUER said, as they were all well agreed on the propriety of adjourning their decision, he hoped it would not be considered necessary to prolong the discussion. He wished, however, to say that it was not to be supposed that the Motion which he had made and the Resolution which he intended to propose on Friday were founded on the words, taken in themselves, which had been used by the hon. Member for Meath, but were to be taken in connection with the whole course of recent proceedings. He should not, however, enter into that subject at present. In answer to the Question of the hon. Member for Swansea (Mr. Dillwyn), he had to state that he hoped at the Sitting of the House of Commons to-morrow, to give Notice of the Resolution or Resolutions which he proposed to move on Friday. He proposed to move them as a matter of privilege, and as such they would take precedence of the other Business; and, in order that there should be no difficulty in having a full discussion, the Government would propose that instead of having a Morning Sitting the House should meet on Friday at the usual hour of four o'clock, and that the Question should be first disposed of.

MR. BIGGAR denied, on behalf of the hon. Member for Meath and himself that they had ever obstructed the Business of the House. ["Oh, oh!"] So far as his experience went, the greatest obstruction to Business had arisen from the interruptions of hon. Members on the Government side of the House. ["Oh, oh!"] He would suggest that the Motion in reference to the hon. Member for Meath and the Motion of Adjournment should both be withdrawn—for this reason, that the words used by the hon. Member for Meath were not un-Parliamentary or as strong as he had often heard used on both sides of the House. The Government would not improve their position if they endeavoured to obtain from a House in which they had a majority a vote against a

Mr. Hermon

Member of that House. As late as last night a very much worse thing was done by a Member of the Government towards him (Mr. Biggar) than anything that was done by the hon. Member for Meath. He did not wish to expose what was done to the world; but if this Motion was persisted in, he should consider it his duty to bring the conduct of a Member of the Government before the House; and, without using threats, he might say that he thought the Government would consult their own dignity and character, as well as the character of the House, by not proceeding any further against the hon. Member for Meath. It had been assumed that obstruction had taken place. That, however, he had always denied on his own part, and the Member for Meath had denied it also. ["Oh, oh!"] In fact, a charge had been brought against them which had not been proved. ["Oh!"] He denied distinctly that he had been guilty of obstruction, and when the time came he should be able to give his reasons for saying so.

MR. O'CONNOR POWER said, that though the hon. and gallant Member for Galway (Captain Nolan) had seconded the Motion for Adjournment, he did not approve of it, and did not wish his seconding it to be taken as an acquiescence in it. He (Mr. O'Connor Power) did not sympathize with the view of the Secretary of State for War, that this matter should be decided without any regard to the effect that the restrictive action proposed to be taken might have on people outside. He, on the contrary, thought that matter well worthy of consideration, for the position of Irish Members in that House must not be disregarded. Their position did not correspond with that of Members generally, because the presence of Irish Members in the Imperial Parliament arose from the violent and forcible destruction of the right of self-government which the Constitution and the faith of an English King had guaranteed to the people of Ireland. That was the position they occupied—perhaps not in the English sense, but certainly in the Irish sense. If they were now going to pass such restrictions as would destroy the remnant of constitutional power which they had considered it right to allow Irish Representatives, they would be simply throwing aside the veil of constitutional forms, and exhibiting before the world the

shining steel with which the power of the English Government in Ireland was maintained. The language used by the hon. Member for Meath was perfectly Parliamentary. The hon. Member for Meath, who was now charged with obstruction, objected to proceeding with important Business after half-past 12 at night, and to carry out that policy he had been obliged to oppose measures which were admittedly good because they were not likely to get justice done to them if discussed at a late hour. If they could name any one measure of that kind which the hon. Member for Meath had opposed before that hour, then, and then only, could they fix upon him a charge of obstruction disrespectful to that House. He reminded the right hon. Gentleman (the Chancellor of the Exchequer) that until he placed the hon. Member for Meath in that position he could not destroy his privileges, which were as sacred as those of the right hon. Baronet himself.

MR. GRAY hoped that the Chancellor of the Exchequer would consent to withdraw the original Motion and allow the Motion for Adjournment to be withdrawn also. He thought the course which the discussion had taken had shown to the Government that they had not taken much by their hasty proceedings. It was very hard for a young Member to know what was, or was not contempt—he would not say of the House—but contempt of Her Majesty's Government. It appeared to him that the future policy of the Government, as indicated by the present proceeding, was to support authority by summary suspension or expulsion. Perhaps it might be easily followed up by execution. It was quite clear that the language used by the hon. Member for Meath was not un-Parliamentary according to any Rule which had existed up to that day; and it was quite clear also that the right hon. Gentleman had since recognized that it was competent for a Member of the House to use that language, for he had made one Motion to the House to-day, and he had announced that he would bring forward a new Resolution to-morrow. They would, therefore, have two Resolutions brought before the House—the hasty one proposed to-day, and the other one which was to be moved on Friday. He (Mr. Gray) did not know whether it would, according to the new

Rule sought to be laid down, amount to a contempt of Her Majesty's Government, to suggest that in the course they had adopted that day they had committed something like contempt of the House—he did not, therefore, say so, but he was free to hold his own opinion. He would, however, say that they had not shown due respect to the House, and it would better become their own dignity to withdraw their Resolution. They had sprung a mine on the hon. Member for Meath. They had acted in haste—they would have time to repent at their leisure between that and Friday. It was not fair to have the Motion, which the Chancellor of the Exchequer had acknowledged he had intended changing, hanging over the hon. Member for Meath. Let the Chancellor of the Exchequer frame his indictment between this and Friday, and when he then brought forward a duly considered Motion on the grave constitutional question involved, he had no doubt it would be suitably met. He himself had heard the hon. Member for Meath disavow the charge of obstruction—it would be for the Chancellor of the Exchequer to prove him guilty. The House of Commons was at liberty to restrict its own privileges; but it was quite clear from what had fallen from the right hon. Gentleman that no action could take place upon his Resolution as submitted to the House. Therefore, he would ask, what was the good of having it on the Paper? It should be withdrawn. It would be in the recollection of the House that the right hon. Gentleman was invited some time ago to take into his consideration the question of amending the Rules of the House, and he refused. Government had acknowledged that the course they had taken to-day had not been caused merely by words used to-day, but that it had been contemplated by the Government for some time—that, in fact, the Government had been lying in ambush for the hon. Member.

THE CHANCELLOR OF THE EXCHEQUER: I never said anything of the sort. What I said was, that I did not propose this Resolution because of the mere words that were taken down, but for those words in connection with the whole of the proceedings of which they formed a part.

MR. GRAY said, that if the Chancellor of the Exchequer did not use the

language, the Secretary of State for War did, for the right hon. Gentleman had distinctly intimated that it was intended to punish the hon. Member for Meath not merely for the words to which exception had been taken, but for his previous conduct. The Government, as he was pointing out, had been invited to take this into their consideration, but they declined, and now they sprung this mine upon the House. The Chancellor of the Exchequer declined to take it into consideration until next Session, thus giving themselves time to consider the whole question, and to approach it calmly and properly. But now it appeared they had all the time been considering the conduct of the hon. Member for Meath, and had come to the conclusion of catching him on some particular words on the first opportunity that offered. He did not know whether that action on the part of Her Majesty's Government was in contempt of the House of Commons, but he thought it would have been more respectful to the House if the Government, having this intention in their minds, had given some Notice before springing this mine on the hon. Member for Meath. He therefore hoped that the two Motions would be withdrawn, and thus they should be able to approach the discussion on Friday untrammelled by the Motion now before the House. It would be ridiculous to have two sets of Resolutions—that of to-day, and the Amendment the right hon. Gentleman was about to frame. Let him bring forward his indictment after Notice on Friday, and the House could then deal with the great constitutional question involved.

MR. O'DONNELL reminded the House that it was he who moved to report Progress in order to obtain certain information from the Government which as yet he had not received. This occurred previous to the hon. Member for Meath appearing on the scene. Before the hon. Member for Meath intervened speeches had been delivered by the Under Secretary for the Colonies, the Chancellor of the Exchequer, and other Members, and his (Mr. O'Donnell's) recollection of the speech of the hon. Member for Meath was not the same as the Chancellor of the Exchequer's in regard to the context of the words quoted. The specific charge against the hon. Member for Meath was, that he

Mr. Gray

had spoken slightly of the intentions of the Government with regard to a large portion of the policy of the Government, particularly their policy respecting Ireland, that he entertained no feelings but those of the most rooted hostility and detestation—"Oh, oh!"—and they were perfectly at liberty to move that those words be reported.

MR. MACARTNEY said, the hon. Gentlemen opposite, who were so jealous of the rights of majorities totally ignored the rights of a minority in Ireland, consisting of upwards of a million and a-half of people. He meant the Protestant population of Ireland. He denied that those Gentlemen were entitled to speak in the name of the Irish people.

Motion agreed to; Debate adjourned till Friday.

South Africa Bill (*Lords*) again considered in Committee.

Moved, That the Preamble be postponed.

Motion made, and Question proposed, "That the Chairman do now report Progress, and ask leave to sit again."—(*Major O'Gorman.*)

MR. PARNELL said, that when the proceedings on this same Motion were interrupted by circumstances to which he should not further allude, he was about reminding the Committee that, as an Irishman whose country had experienced similar, and even worse, treatment than that which the Government proposed to mete out to the South African Colonies, he had a special interest in endeavouring to thwart and prevent the objects of the Government in reference to those Colonies. He should now continue and endeavour to show that his statement of the proceedings of the Government in this instance was correct. The preliminary proceedings of the Government were far from unobjectionable. What course did they pursue? When they determined on this scheme of annexation and Confederation they sent out to South Africa a gentleman named Froude, who had made himself conspicuous by the way in which he had misrepresented and calumniated the people of Ireland. They need not stop to scrutinize the past career of Mr. Froude. He was a person called a historian, and his history would

have greater value if he had not endeavoured to draw false deductions from facts, and if he had not suppressed the truth in a great many instances. It was to be regretted that Mr. Froude had employed his undoubted talents in misrepresenting and falsifying events which had happened in Ireland. The Government in choosing this instrument for their designs in South Africa showed a true appreciation of the man. His first step was to obtain, by means of a "caucus," an expression of what was called the public opinion of the colonists; but that, and his whole proceedings, were directly contrary to the axiom that federation must be spontaneous and not forced. The Government, however, acted on the immoral doctrine that the interests of the people of South Africa were subservient to the interests of the Empire at large. The House was asked to sanction the annexation of the South African Republic, not because it was for the benefit of the Colonies, but because it was alleged that it would be beneficial to the Empire generally.

THE CHAIRMAN: I must point out to the hon. Member that the annexation of the South African Republic is not covered by the Preamble of this Bill.

MR. PARNELL: I think the subject of confederation is covered by some of the clauses.

THE CHAIRMAN: Another opportunity may arise to consider the question, but it cannot be discussed on the Preamble, which is absolutely without any reference to annexation.

MR. PARNELL understood from a former ruling of the Chairman that a Member was entitled to discuss the principle of a measure on the Motion that the Preamble be postponed. Therefore he thought he was entitled to refer to the clauses of the Bill which contemplated the confederation of the South African Republic, in order to show that the action of the Government was improper and unjust.

THE CHAIRMAN again pointed out that the question of the annexation had nothing to do with the clauses of the Bill which dealt with confederation. The annexation was an accomplished fact. It was an unusual, inconvenient, and undesirable course to enter into the general subject on the Question that the Preamble be postponed; but he did not

think himself at liberty to say that the hon. Member was altogether out of Order in pursuing that course.

MR. PARNELL: Sir, it may be necessary sometimes for the House to do that which is unusual, inconvenient, and undesirable. The confederation of these States is contemplated in this Bill within a certain time.

THE CHAIRMAN: The hon. Member seems to confound two different things, annexation and confederation. The policy or acts of the Government with regard to the former are not in any way in this Bill.

MR. PARNELL: Then if I am not allowed to refer to annexation I shall refuse to discuss the matter at all.

MAJOR O'GORMAN: The Transvaal was annexed without the knowledge or consent of this House, and it is extraordinary to say it must not be spoken of.

THE CHAIRMAN: I have already pointed out that the question of annexation is not the subject now before the Committee.

MR. O'CONNOR POWER: The Motion of my hon. and gallant Friend the Member for Waterford to report Progress was made distinctly to elicit an opinion from you, Sir, as to the extent to which we can discuss the general scope of a Bill at this stage. I congratulate my hon. and gallant Friend on having achieved his object, and suggest to him to withdraw the Motion.

MAJOR O'GORMAN: At the special request of my hon. Friend the Member for Mayo I will withdraw it.

MR. PARNELL: Before the Motion is withdrawn, I wish to submit a Question on a point of Order. I wish to know whether we can discuss the contemplated confederation of the Transvaal Republic on the Motion that the Preamble be postponed?

THE CHAIRMAN: I have already stated that the consideration of the principle of a Bill on the Motion that the Preamble be postponed is exceedingly inconvenient. The object of the Motion for postponing the Preamble is to avoid discussions on the principle which might arise, but I should not feel it to be my duty to interrupt any hon. Member who thought it incumbent upon him to discuss the principle. As far as the prospective confederation of the Transvaal is concerned, that is within

the purview of the Bill, but the annexation, which has been already effected, is not.

MR. BIGGAR reminded the Government that the hon. Member for Dundee (Mr. E. Jenkins) had asserted that they kept back information which the House ought to have laid before it; was there any foundation for that statement? Then the Secretary of State for War said that they ought not to interfere with the progress of the Bill because the House decided to go into Committee by a large majority. That was true; but the statements for and against it were made to an audience of about 20 Members. Was any value to be attached to the largeness of such a majority?

MR. O'DONNELL said, that during the whole of his address on the previous night he did not say a word against the principle of the Bill. He objected, however, to the manner in which the scheme of confederation was proposed to be carried out. The hon. Member accordingly proceeded to discuss the general question at great length and read many extracts from Papers, public documents, and newspapers. The hon. Gentleman paid no attention to continued cries of "Order!" and the great impatience of the Committee.

THE CHAIRMAN said, that the hon. Member was certainly entering into a very wide field of discussion, and he hoped he would confine himself to the Question before the Committee.

MR. O'DONNELL continued, stating that they had repeatedly asked the Government for information that had not been furnished. The Chancellor of the Exchequer had acted on a misapprehension of what he had said. He did not object to the principle of confederation, but he objected to the House being asked to proceed upon so little information. The hon. Gentleman the Under Secretary for the Colonies had charged him with not being in his place when the statement on behalf of the Government was made; but although absent compulsory he had made himself thoroughly acquainted with all that the hon. Gentleman had said. The Government had said they had placed before the House all the information in their possession. Surely, the particulars of the interviews between the delegates from the Sovereign State of the Transvaal and the Colonial Secretary, when

the Government was placed in possession of much important information, should have been laid before the House. He had seen those delegates, and he believed that their representations to Lord Carnarvon were of the most serious and important kind. They told him (Mr. O'Donnell) that the people of the Transvaal were essentially a Republican and Democratic people, opposed to official nomination and class government and to the exercise of autocratic dictatorial authority. Then, again, the House should have information as to the position taken up in respect to this question of confederation by the Government of the Cape. Was it true that a strongly centralist and anti-confederative Government was in power in the Cape, and that Bills were before the Cape Parliament for annexing without confederation a large territory in South Africa? He also wanted to know before this Bill was proceeded with what were the relations between the Colonies in South Africa and the Native tribes in respect to the important question of extradition? A remarkable case had recently occurred, in which a Zulu lad, accused of murdering a White man in Zululand, had been sent to Natal and returned to the Chief Cetewago, because the Governor of Natal said he had no jurisdiction to deal with him. A despatch from the Governor upon this case was suppressed from the published Papers. A judicial murder had thus been committed, for there were undoubtedly great extenuating circumstances under which the lad had killed his White master. The lad was returned under some wretched Extradition Treaty, and was put to death without trial.

LORD FRANCIS HERVEY rose to Order, and asked was it competent to the hon. Member to enter into a discussion of matters that had taken place in Zululand?

THE CHAIRMAN said, the observations of the hon. Member ranged over matters of the widest diversity, and which had no connection with the question immediately before the Committee. While he had not thought fit to interrupt him more frequently, he must understand that he was making a wrong use of his privileges in travelling over this wide field.

MR. O'DONNELL said, he should not continue the subject much further,

but he desired to read a passage in connection with this Zulu case.

THE MARQUESS OF HARTINGTON: I think, Sir, that after you have several times called upon the hon. Member to desist, as you have done, from a certain line of argument, it is not competent for him to pursue the course he is doing. I think, Sir, he ought not, as a Member of this House, to contravene your position as Chairman. Your authority, Sir, I hold, ought to be supported. I submit the hon. Member ought not to continue a course of argument which you have decided is out of Order.

SIR ANDREW LUSK: I have sat, Sir, for a long time in this House, and one thing above others I have observed—namely, that we have always been accustomed to respect the authority of the Chair. We must, if we are to conduct our debates, have order, and we cannot have order without respecting the Chair.

MR. PARNELL said, he had always endeavoured to respect both the Chairman and the Speaker. He had listened to his (the Chairman's) interruptions—"Oh, oh!" and "Withdraw!"—interruptions not initiated by him, but caused by request of hon. Members on both sides; and he did not observe that he had in any instance ruled that the hon. Member for Dungarvan was out of Order and that he should desist from going into certain matters. Had the Chairman done that, the hon. Member for Dungarvan would willingly have deferred to his request and his dictation. He protested against hon. Members calling others to Order in general terms, without taking the trouble to show in what way the Rules of Order had been violated.

SIR WILLIAM HARCOURT said, the noble Lord opposite (Lord Francis Hervey) had appealed to the Chairman to determine whether the hon. Member for Dungarvan, in pursuing a line of argument upon the criminal law of Zululand, was or was not entering upon a matter germane to the present discussion. The Chairman intimated to the hon. Member for Dungarvan that he was going into a matter which had no immediate connection in the present phase of the discussion. Thereupon the hon. Member for Dungarvan proceeded to say he wanted to make further observations on that very point. [Mr. O'DONNELL: No!] The hon. Member's

denial would not avail against the recollection of the whole Committee. The hon. Member said that he would not continue the subject on which he was called to Order much further; but that he wanted to read a passage connected with that very point.

MR. O'DONNELL: I rise to Order.

SIR WILLIAM HARCOURT said, he was in possession of the House, and would not yield to the interruption of the hon Member for Dungarvan. He had once or twice endeavoured to place on record, for the information of the people of England and Scotland what was going on in this House, and the hon. and learned Member for Limerick (Mr. Butt), the Leader of the Irish Party, had forcibly described the "humiliating position" in which the House was placed by the conduct of the hon. Members for Meath, Dungarvan, and others. He would now once more recite what had been the course of proceeding with reference to this Bill. Yesterday it was in the stage for going into Committee. An Amendment was moved by the hon. Member for Kircaldy (Sir George Campbell). A full debate took place on that stage—and it was very proper that a full debate should take place. The hon. Member for Dungarvan made an oration he (Sir William Harcourt) believed more than two hours in length. ["No, no!"] The House knew perfectly well the value to be placed on those negatives. ["Hear, hear!"]

MR. O'DONNELL moved that the words of the hon. and learned Member be taken down.

THE CHAIRMAN: The hon. and learned Member for Oxford is speaking to Order, and cannot be interrupted on that point. If the hon. Member for Dungarvan wished to speak after the hon. and learned Member for Oxford had finished he would be able to do so.

SIR WILLIAM HARCOURT resumed. He was stating the protracted debate which took place yesterday, in which the hon. Member for Dungarvan addressed the House at very considerable length—he believed for two hours; whether it was a few minutes more or a few minutes less was of little importance. A division was taken, in which a very large majority negatived that Amendment. The minority was 22. It had been the practice—not the universal,

but the general practice—when the House by an overwhelming majority had decided against an Amendment of that character not to put the House to the inconvenience of another division. However, that was not the course taken by certain Members of the House on that occasion. A second division was taken, and the minority on that division was 5. He supposed it was hardly possible for the House to express in a more definite way its will on the subject. The next stage was that the House should go into Committee, which it did to-day. The first step in the Committee was one which was generally considered a formal one—the Motion that the Preamble be postponed. Upon that arose a discussion to which he would not at present further refer; but thereupon the hon. and gallant Member for Waterford (Major O'Gorman) moved that the Chairman report Progress, and thereon an attempt was made to renew the whole discussion. At length the hon. Member for Mayo (Mr. O'Connor Power) appealed to the hon. and gallant Member for Waterford to withdraw his Motion. The hon. and gallant Member for Waterford agreed to do so. Upon the Question that the Motion for reporting Progress should be withdrawn the hon. Member for Dungarvan took occasion to deliver another protracted speech, in addition to the one which he made yesterday upon the whole of the Bill, and proceeded to discuss matters which the Chairman had pronounced to be perfectly irrelevant to the Question before the Committee. He (Sir William Harcourt) recited these things because he thought it was an advantage to the public that they should know what was being done persistently day after day in that House. These were not proceedings for the purpose of discussing the Bill—they were proceedings for the purpose of defying the authority of Parliament—[Cries of "No!" and "Hear, hear!"]—of bringing the House of Commons into contempt—["No!" "Hear!"]—and of destroying that great engine by which the British Empire was chiefly maintained, and the course pursued was part of a system not to discuss measures *bona fide*, but to waste time.—[Cheers.]

MR. O'DONNELL: I rise to assure you, Sir, that I did not in the slightest manner intend to dispute your authority or ruling. If I went back upon my

previous sentence it was simply to complete it and to make it clear. As for the language of the hon. and learned Member for Oxford, I will not follow his deplorable example.

LORD FRANCIS HERVEY: I again rise to Order, Sir. I rose to Order when the hon. Member for Dungarvan was entering upon a subject which in no way related to the Question before the Committee, and was reading from a newspaper an extract. You ruled against the hon. Member; yet no sooner were the words out of your mouth than he proceeded to read from the very document which he had before read from. That, I hold, was a gross defiance of your ruling. I quite agree with all the words that have fallen from the hon. and learned Member for Oxford. I think, Sir, that the Chancellor of the Exchequer will not be doing his duty to the House on Friday next unless he includes other names than those of the hon. Member for Meath in the Motion he is to submit.

MR. PARNELL: I hold, Sir, that no Member is entitled to examine my motives or intentions without adducing proof of their statements. The hon. Member was proceeding, when—

MR. GOLDSMID: Sir, I rise to Order. I think we have had enough of this kind of discussion. I hope such a one will not occur again. If the two hon. Members for Meath and Dungarvan are to engross the time of the House in this way they will find that they are not propitiating the favour of the House. They will gain a much more attentive hearing and do more real service to their constituents if they will conform their speeches to the manner in which the debates of this House have been hitherto conducted. There will then be no necessity for altering our Rules. I hope the common sense of the hon. Gentlemen will prevail, and that the Committee may now be allowed to proceed with the Bill.

THE CHANCELLOR OF THE EXCHEQUER: I would only remind hon. Gentlemen that the whole question will be brought forward on Friday next, when full opportunity will be given to discuss the whole subject. This being so, it will be better that we should proceed to business.

MR. O'DONNELL said, that the hon. and learned Member for Oxford had brought a grave charge against the hon.

Member for Meath and himself. He (Mr. O'Donnell) had since expressed his regret for having in any way opposed the ruling of the Chairman. ["Order! Order!"]

THE CHAIRMAN said, the point of Order had been disposed of, and he hoped therefore the Committee would now allow the Motion for reporting Progress to be withdrawn, and proceed with the Bill.

MR. BIGGAR here rose to address the Committee, amid cries of "Order!"

THE CHAIRMAN said, that the hon. Member was out of Order in attempting to address the House.

MR. O'DONNELL also rose—but was ruled to be out of Order.

At length—

Question, That leave be given to withdraw the Motion to report Progress, put, and *agreed to*.

Motion withdrawn.

Question again proposed, "That the Preamble be postponed."

MR. PARNELL rose, and again proceeded, amid expressions of great dissatisfaction, to discuss the whole subject of the Bill.

MR. WHALLEY rose to Order, and asked whether the hon. Member for Meath was in Order in repeating over again the whole arguments he had advanced at the earlier period of the evening?

THE CHAIRMAN said, that the hon. Member was not technically out of Order; but he was most severely testing the patience of the Committee.

MR. PARNELL accordingly proceeded—disregarding frequent interruptions and calls to Order. He said he required to exercise caution, as he did not know when or on what occasion the Leader of the Government might start up, and with tones and words of indignation move that his words be taken down and submitted to the sure and speedy vengeance of the House.

MR. GREGORY rose to Order. Was this language in Order?

THE CHAIRMAN said, the hon. Member for Meath was not in Order in the language he had used.

MR. PARNELL said, he had only wished to express his timidity in discussing the Bill, and he hoped the Com-

mittee would forgive him if he did not do justice to it. He proceeded at great length to argue that the Dutch Boers hated the English rule.

MR. E. JENKINS rose to Order. The Question before the Committee was not whether the Preamble should be adopted, but whether it should be postponed. He had to remind the Committee that last year, when the hon. Member for Chelsea (Sir Charles Dilke) was proposing to discuss the principle of the Commons Bill on this very Motion that the Preamble be postponed, it was held that the discussion must be confined entirely to the postponing of the Preamble.

MR. PARNELL continued to address the House for some time.

MR. BIGGAR and Mr. O'DONNELL rose to address the House, but were ruled to be out of Order.

At length——

Motion *agreed to*; Preamble *postponed*.

I.—*Preliminary.*

Clause 1 (Short title).

MR. O'DONNELL moved that the Bill should be called "The South Africa Confederation Bill," instead of "The South Africa Bill."

Amendment *moved*, in line 23, after "Africa," insert "Confederation."—(Mr. O'Donnell.)

MR. J. LOWTHER opposed the Amendment. It might be that the Colonies would prefer a Federal union to confederation.

MR. E. JENKINS said, the Amendment was superfluous. It seemed to be forgotten that this was a permissive Bill.

MR. COURTNEY said, he did not see why the Amendment should not be accepted.

After short discussion,

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 2 (Application of provisions referring to the Queen), *agreed to*.

II.—*Union.*

Clause 3 (Declaration of Union and provision for its completion).

MR. PARNELL moved an Amendment to insert, before "agree," the word "voluntarily."

Mr. Parnell

MR. J. LOWTHER said, the word was quite unnecessary. The States would only confederate voluntarily.

MR. PARNELL contended that securities should be given that the States should not be forced to confederate. What means did the Government intend to adopt to provide for a voluntary confederation? He desired to secure that the confederation should take place only with the consent of the whole people—by a kind of *plébiscite*.

MR. BIGGAR rose to address the House, but——

It being now a quarter to Six of the clock,

Debate *adjourned till Friday*.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 26th July, 1877.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Registration of Leases (Scotland) Act (1857) Amendment* (157); Public Loans Reimbursement* (150).

Committee—*Report*—Married Women's Property (Scotland)* (154); Telegraphs (Money)* (152).

PRIVATE BILLS—

DOVER AND DEAL RAILWAY BILL.

OBSERVATIONS.

EARL GRANVILLE: The Dover and Deal Railway Bill has been reported. I do not wish to make any attack upon the management of the two great Kent Lines, but it is a fact that their opposition, direct or indirect, has retarded the completion of the Coast Line, which is not only of local, but Imperial importance. The present is not the first time when one or other of these Companies has obtained powers from Parliament to construct this chain, and have failed to fulfil the obligation. The Bill has now been reported, but with a merely nominal penalty in case of non-construction of the Line. I want to ask the Chairman of Committees whether he has paid attention to this Bill, and whether he

received any assurance which encouraged him to pass it in its present shape?

THE EARL OF REDESDALE said, that it was true that independent schemes had been set aside by the action of the two Kent Companies in obtaining a Bill; that he had been inclined to recommend to the House to insert some provision which would make it more difficult to abandon the construction of this Line; but he found that it might lead to the non-passing of the Bill and to consequent public inconvenience. He had, moreover, received an assurance from the Chairman of the South-Eastern Company that it was intended to carry out the work.

PRISONS BILL—LUNATIC ASYLUMS.

QUESTION.

THE EARL OF SANDWICH asked the Lord President, Whether it was intended that disused prisons should be converted into Lunatic Asylums?

THE DUKE OF RICHMOND AND GORDON said, he rather doubted whether a prison was likely to be the best description of building for conversion into a lunatic asylum. Disused prisons, which were the property of the county, might be put to any use which the county might wish. If his noble Friend wished to know whether the Government were prepared to hand over without payment disused prisons in order that they might be converted into lunatic asylums, his answer must be that the Government were not prepared to do so.

EARL COWPER said, the whole question of the management of lunatic asylums required consideration. If the Government were to take over the control of them, it would ensure regularity of treatment all over the country, which would be a great advantage. It was very desirable to relieve the local authorities of the management of lunatic asylums, as they had been relieved of the management of prisons, and that these institutions should be managed on a uniform system, and under the control of a central authority. Nothing was more disagreeable to county magistrates than their duties in connection with these asylums, as they were exposed to Government officers coming down and ordering all sorts of improve-

ments at great expense, which the magistrates had the odium of carrying out.

THE EARL OF SANDWICH expressed his belief that before long the Government must take the lunatic asylums under their own charge.

PUBLIC WORSHIP REGULATION ACT.

PETITION.

EARL NELSON presented a Petition, very numerously signed by the Clergy and Laity of the Church of England, praying for the repeal of the Public Worship Regulation Act. He had postponed till next Session his Motion on the subject of the Act, but he had thought it right to give notice of the presentation of this Petition, which was one got up by the Church of England Working Men's Society, which was a Society for securing freedom of worship and the preservation of our rights and liberties on the basis of the Book of Common Prayer and the usages of the Primitive Church; and he had been particularly requested to state that the Society had no connection with certain circulars which had been sent to Members of Parliament by another Association, and which had been brought in "another place" under notice as a breach of Privilege; and he was further requested to state that the members of this Society did not go in for the disestablishment of the Church, or proceed in any way against those from whom they differed. The Petition was signed by 47,294 persons, not more than 1,000 of whom were clergymen of the Church of England: the rest were lay members of the Church, and most of them, he understood, were communicants. It must be, he thought, highly gratifying to find such an interest taken in the Church by those whom former neglect on the part of the Church had been supposed to have alienated from her communion. He moved that the Petition do lie on the Table.

THE ARCHBISHOP OF CANTERBURY said, it would hardly be respectful, in the case of a Petition of this magnitude and importance, if he did not say a few words. He had himself been requested to present this Petition; but he had replied that he thought it would be more suitable to place it in the hands of some Member of their Lordships' House who

sympathized with its prayer more than he was likely to do. He thought the noble Earl was quite right in putting off to another year the Motion of which he had given Notice; because he could not help thinking that if there should be any discussion of the Act at the present time it was quite possible that alterations might be advocated of a somewhat different character from those which the noble Earl and those who had signed the Petition desired; and it would be an inopportune time to make any relaxation of that very kindly discipline which was exercised under the supervision of the Bishops of the Church of England. They might probably find that the current of public feeling was now in favour of a more stringent rather than of a relaxed discipline;—but he did not for a moment mean to imply an opinion of his own that the Church discipline should be made more stringent than it was; neither did he mean to depreciate altogether the value of the Petition. The fact that some 50,000 persons had presented such a Petition was in itself an important fact. He used the word “persons” in its Parliamentary sense. It showed that some people, at all events, were very much dissatisfied. The noble Earl had stated that the Petition had been “got up” by a Working Men’s Association. He (the Archbishop of Canterbury) would not say that the Petition had been “got up” in a literal sense; but to his mind it did not seem that the phrase used by the noble Earl was the most felicitous he could have chosen. On examining the Petition he found that there was a curious family affinity among the first names upon the list. William Collins, Jane Collins, Elizabeth Collins, Arthur Collins, and Alice Collins; also Emma Woodyard, Bridget Woodyard, Sarah Woodyard, Rosalind Woodyard, and William Woodyard. Nothing was, of course said, respecting the age of those who signed the Petition, nor could it be told definitely from the document that they had all arrived at mature age. Looking at the handwriting it seemed as though some of them must be of very tender years. This had certainly put a suspicion into his mind that whole families, including Sunday-school children, had been induced to sign the Petition. Moreover, it was not right to say that the Petition had been got up by working men, because many

of the signatures were those of women and girls. But he admitted in that respect it was neither better nor worse than the majority of Petitions presented to Parliament, and of course it was proper that it should receive due consideration. He could not help thinking that those who signed the Petition were not very well instructed in respect of the subject dealt with by their Petition. They seemed to think very great mischief had been done by the Public Worship Act. Was that really the case? There were some 13,000 parishes in the Church of England, and about 20,000 clergymen. That being so the Act could not have pressed very heavily, inasmuch as only four cases had been raised since it came into operation, one of which failed in consequence of a technical objection. Besides these, two other prosecutions had, he believed, been threatened, but they had been settled by the judicious intervention of the Bishops. It was not therefore very easy to understand how the working of the Act could have caused alarm in the minds of the working men of England. He believed it was not the Act itself to which the Petitioners objected, but the law of the Church which the Act was designed to enforce. The ecclesiastical atmosphere at the present moment was charged with Petitions and declarations, but many of them resolved themselves into this—that the persons who signed them were very much dissatisfied with anyone who wished to prevent them doing what they liked. Such a position was, of course, very difficult to meet. It was not, he repeated, the mode in which the law was administered, but the law itself which was objected to. He had no intention to speak disrespectfully of those who had signed the Petition, but he would say in all seriousness to the noble Earl, and those who acted with him, that if during the next few months they would use their best efforts to allay unnecessary excitement on this subject, and to do away with idle fears that had no foundation except in the imagination, much good would result. Nothing more was required than that the law should be obeyed. Nobody could possibly suffer under the Public Worship Act unless he had broken the law or was determined to break it. This was certainly not the time when either the law of the land or of the Church should be treated lightly.

Even the most venerable of institutions might be thrown out of gear by the wilfulness of one or two persons. Before this matter was again brought forward he hoped it would be well and carefully considered. Above all things, those who wished well to the Church ought to do all in their power to secure an adherence to the principles adopted at the Reformation, and they should avoid exciting people's minds on questions which were, at all events, very doubtful, and making them suppose that by getting rid of present arrangements, they could obtain a better, purer, and more useful Church than that which, thank God! had existed among them in its Reformed character for 300 years.

EARL NELSON pointed out that he had refrained from calling attention to the working of the Act—and he had done so because of the absence of most of the members of the Episcopal Bench. He must not be taken as accepting the statements of the most rev. Primate, and he believed the Petition to be a perfectly *bona fide* one.

THE EARL OF HARROWBY held that the Petition had a very suspicious origin. As far as he could judge, it savoured much of having emanated from the Society of the Holy Cross and the members of the St. Albans Mission.

THE MARQUESS OF BATH disclaimed this statement as far as the St. Albans Mission was concerned. He would remind the noble Earl that no proceedings under the Act had been taken against any person connected with the St. Albans Mission House; and with regard to the observations of the most rev. Primate, his belief was that he was more anxious to force his own interpretation of the law upon the Church than to accept that which the Church generally believed to be the law. When the most rev. Primate talked of the necessity of allaying the excitement which now existed, he should bear in mind that it had been mainly caused by the strong party bias which he himself had shown in Church controversies.

LORD DINEVOR said, that the noble Marquess had observed, with reference to the noble Lord's statement, that the Petition had partly been got up at the St. Albans Mission House, that no proceedings had been taken against the clergy of St. Albans under the Public Worship Regulation Act. But he would re-

mind the House that proceedings had been taken against Mr. Mackonochie under a former Act, and there was no other church in London or England in which what had been so happily called "the Mass in masquerade," had been celebrated in such state as at St. Albans. It was the practices in this and other churches that had led the right rev. Prelates to promote the passing of the Public Worship Regulation Act. He agreed it would be better there should be no long discussion of the subject, and he hoped that all would adhere to the Prayer Book as suggested by the Petition. But as the Petitioners also referred to "primitive usage," he asked whether they could say what was intended by that? Did they mean the Apostolic Age, or the first twelve centuries? He thought the appeal to "primitive usage" could not have emanated from working men, but must have been suggested to them.

THE ARCHBISHOP OF YORK rose to deny that the turmoil which had arisen in the Church was due to the action of the most rev. Primate. The Public Worship Regulation Act had not been drawn up by him, and it seemed to be forgotten that the Act dealt with offenders much more leniently than did the old law. The Act no longer treated offenders as criminals. The object of the Act was to remove questions of controversy out of the hands of personal prejudice and place them in the hands of an unbiased Judge. Therefore, it was wrong to assume that the state of affairs they deplored had been produced by the private opinions of the most rev. Primate. The real fact was that those who were the real promoters of the Petition were always charging those who wished to preserve the old laws of the Church with party spirit. Did anyone suppose that these 47,000 persons represented the opinion of the country? Could they suppose that the House of Commons would change its mind and suddenly repeal an Act that they had passed almost unanimously? If it were to be repealed something else would have to be put in its place, and that something might be much more stringent. The best thing to be done was to leave the Act alone for the present.

LORD FORBES rejoiced that such a Petition had been presented. There was a great movement going on with regard to disestablishment; and al-

though the Church of England, as a part of the Church of Christ, would hold its own whatever might happen, he was glad of such a proof that the heart of the people was still faithful to that Church. Persons might sign this Petition, and still be sincere members of the Church of England.

Motion agreed to; Petition ordered to lie on the Table.

YEOMANRY UNIFORMS.

QUESTION.

THE DUKE OF ST. ALBANS rose to call attention to the order of 1st April, 1877, relative to the alteration of Yeomanry Uniform from gold to silver lace; and to ask Her Majesty's Government whether they will suspend that order for a year to enable the colonels of the regiments affected to have an opportunity of meeting and stating the difficulties attending the change?

VISCOUNT GREY DE WILTON said that the luckless Yeomanry had had to encounter much official discouragement, but he did not think that any slight upon them was intended by the War Office in this change.

THE EARL OF CADOGAN said, that the change of uniform was decided upon in consequence of the recommendations of the Yeomanry Committee of 1874. In former days he believed that great latitude was allowed, but it was always understood that silver lace was the distinctive badge of the Auxiliary Forces. With regard to the Question of the noble Duke, his official experience had taught him that Colonels did not require a year to enable them to frame complaints, and as the change had been decided on he could not hold out any hope that its being carried into effect would be delayed.

House adjourned at a quarter past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 26th July, 1877.

MINUTES.]—New Warr Issued—For Great Grimsby, v. John Chapman, esquire, deceased.
PUBLIC BILLS.—First Reading—Local Government Board's Provisional Orders Confirmation

Lord Forbes

(Atherton, &c.) * [265] — (Caistor Union, &c.) * [266].

Second Reading—University Education (Ireland) [56], put off; Local Government Board's Provisional Orders Confirmation (Hyde, &c.) * [263].

Committee—Prisons (Ireland) (re-comm.) * [219] — R.P.

Committee—Report—Fisheries (Oysters, Crabs, and Lobsters) (re-comm.) * [257].

Considered as amended—Building Societies Act (1874) Amendment * [243].

Third Reading—Solway Salmon Fisheries * [250], and passed.

QUESTIONS.

PARTY PROCESSIONS (IRELAND)— ORANGE PROCESSION AT LURGAN.

QUESTION.

MR. VERNER asked the Chief Secretary for Ireland, If he will be good enough to state why a procession of loyal Orangemen was prevented from taking the direct route through the town of Lurgan on the 12th of this month; and, if this was done in consequence of the receipt of an information, by whom was that information sworn?

SIR MICHAEL HICKS-BEACH: A large procession of Orangemen, stated to have numbered 10,000 persons, marched through Lurgan on the 12th of July. Their leaders had expressed a determination to march through a street inhabited by Roman Catholics, and informations were sworn before the magistrates by three persons that if this were permitted serious rioting would result. The magistrates, consisting of three stipendiary and four local magistrates, were unanimously of opinion, not only from these informations, but from other circumstances, that the procession must be prevented from passing through the street in question. They called in a considerable extra force of military and constabulary, and their decision was carried into effect without any breach of the peace. I may state that a similar course was followed at Lurgan last August with reference to a Roman Catholic procession. I do not think any useful object would be gained by giving the names of the persons who swore the informations; and, on the other hand, it might render them obnoxious to party feeling, which I am sorry to say appears to be very high in Lurgan at present.

CHARITY COMMISSIONERS—BETTON'S CHARITY.—QUESTION.

MR. JAMES asked the Vice President of the Council, If it is the fact that the revenues of John Betton's Charity, amounting to £6,000, are as rearranged by the Court of Chancery in 1846 at present distributed in small sums ranging from £5 to £10 to certain voluntary schools in England and Wales; whether his attention has been called to a report of the Endowments Committee of the London School Board, which states that the reasons assigned for this distribution of the bequest are wholly insufficient; and, if the Government propose to take any steps which may lead to the restoration of this property for the purpose of educating the children of the metropolis co-extensively with the city of London and its suburbs, the area originally specified under John Betton's will?

VISCOUNT SANDON: The Charity Commissioners inform me that it is a fact, as the hon. Gentleman imagines, that £6,000 a-year, being a portion of the revenues of Betton's Charity, is distributed in the manner he mentions among "charity schools" in England and Wales, but they have no information as to whether these schools are voluntary or not. No communication has been made to me respecting the Report referred to by the hon. Gentleman. The Charity Commissioners inform me that some misapprehension appears to exist, from the Question of the hon. Gentleman, as to this Charity. They state that there was no direction of the founder that the benefits of the fund, to which the Question relates, should be limited to the area of the City of London and its suburbs; but that under the will one-fourth part of the charity, being a distinct fund from that alluded to by the hon. Gentleman, is assigned to "charity schools" in the City of London and its suburbs, and that this trust is strictly observed. In these circumstances the Government, as at present advised, does not see any reason for interference in the matter.

ARMY—DISCHARGED SOLDIERS. QUESTION.

MR. J. COWEN asked the Secretary of State for War, If he will inform the House how many soldiers were dis-

charged from the British Army in 1876 as medically unfit for service, and how many of them had not seen three years' service?

MR. GATHORNE HARDY, in reply, said, the number was 3,768. He was unable to say how many of them had not seen three years' service, and it would take a long time to collect the figures from the different districts; but if the hon. Member really thought it of sufficient importance, and he would move for the Return, there would be no objection to it on the ground of expense.

ARMY—MEDALS—THE MALAY CAMPAIGN.—QUESTION.

MR. SERJEANT SIMON asked the Secretary of State for War, Whether the scale of the special allowances to the officers and men serving in the late campaign in the Malay Peninsula has been fixed, and at what rate, and for what period of service; and, whether he can say how soon the allowances in question will be paid?

MR. GATHORNE HARDY, in reply, said, the delay was owing to the fact that Indian as well as English troops were engaged, and the War Office and the India Office had different rates of allowance; but he had sent a letter to the Treasury, asking its sanction to special allowances to these troops, and as soon as that sanction was obtained the allowance would be paid.

INLAND REVENUE—STAMP OFFICE AT MONAGHAN.—QUESTION.

MR. FAY asked the Chief Secretary for Ireland, Whether it is the intention of the Executive to restore the Stamp Office of Monaghan to its position as a head office, in conformity with the Resolution in that behalf passed by the Grand Jury of the county of Monaghan at last Assizes, such Resolution having been based on the grounds of public convenience; and, whether, if it is the intention of the Government to comply with such Resolution, the present Distributor of Stamps at Monaghan, who has held that office for sixteen years, will be appointed as such Head Distributor on entering into proper securities?

MR. W. H. SMITH: The Stamp Office of Monaghan has been for upwards of 16 years in charge of a sub-distributor, who is subordinate to the

head distributor at Dundalk. No alteration in his position has been made or is contemplated by the Board of Inland Revenue; but inquiries have been ordered as to the recommendation of the Grand Jury that Monaghan should be made a head office.

METROPOLIS—INDIAN AND COLONIAL MUSEUM—THE FIFE HOUSE SITE.

QUESTION.

MR. GRANT DUFF asked Mr. Chancellor of the Exchequer, Whether he can engage that no decision will be come to during the Recess with reference to the Fife House Site, which may render it unavailable for the erection thereon of a Museum which may adequately represent the natural productions, manufactures, and arts of the Colonies and India; provided that the Colonies and India are prepared to take their fair share in an undertaking which is intended for the common advantage of all parts of Her Majesty's Dominions?

THE CHANCELLOR OF THE EXCHEQUER, without expressing any opinion as to the propriety of erecting a Museum for India and the Colonies, said, that no arrangement would be made during the Recess which would not leave the Fife House site available for any purpose to which it might be desired to appropriate it.

PRISONS (SCOTLAND)—CATHOLIC PRISONERS AT PERTH.—QUESTION.

MR. M'CARTHY DOWNING (for Mr. REDMOND) asked the Secretary of State for the Home Department, If it is a fact that the Roman Catholic paid chaplain of Perth Prison is not permitted to say Mass on Sundays in the Prison for the Roman Catholic prisoners, or that no facilities are provided to enable him to do so; and, if any provision whatever is made for the religious wants of Roman Catholics in the other prisons of Scotland?

MR. ASSHLETON CROSS: I have been informed that the Catholic priest at Perth has the use of the prison chapel on Saturdays for whatever purpose he chooses, and that he has never complained to the Governor about those arrangements. I have received a letter which enables me to answer the Question. It says that the priest himself is busy on Sunday with

his own parochial duties. Special application has been made, I believe, in respect to one or two prisons for a room in which Mass could be celebrated, and one, I know, has been granted. With regard to other prisons, I am not aware of the arrangements made by the local authorities, nor could I learn them without special inquiry; but I believe the fact to be that the Catholic clergymen in the neighbourhood are entitled just as much as are any other clergymen not of the Established Church to visit those prisoners who belong to their religion or Church.

FISHERIES (IRELAND)—CHUCKPOINT PIER.—QUESTION.

MR. R. POWER asked the Chief Secretary for Ireland, Whether it is intended to carry out the recommendations of the Inspectors of Irish Fisheries with regard to the improvement of the pier at Chuckpoint, in the county of Waterford; and, whether, as would appear from the last report of the inspectors, it is contemplated by the Treasury to entertain no further applications for grants for fishing piers and harbours for some time in consequence of the proposed improvements at the harbours of Arklow and Ardglass?

SIR MICHAEL HICKS - BEACH: It is not intended to carry out the recommendation of the Inspectors of Irish Fisheries with respect to the pier at Chuckpoint at present. All works of this kind cannot be proceeded with at once, and some will no doubt be postponed until the completion of Ardglass Harbour, though others besides that harbour are now in course of construction.

METROPOLIS; BUILDING ACTS—HEIGHT OF BUILDINGS.

QUESTION.

MR. P. A. TAYLOR asked the honourable and gallant Member for Truro, Whether his attention has been called to buildings of an enormous height now in course of erection near St. James's Park; whether any inquiry has been made how far buildings of such height are calculated to injure the neighbours by shutting out air and light; and, whether the Board of Works has power to place any limit to the height of

buildings; and, if not, if he proposes to make application to Parliament for such powers?

SIR JAMES M'GAREL HOGG: In reply to the Questions of the hon. Member, I beg to inform him that the attention of the Metropolitan Board of Works has been directed to the buildings to which he refers near to St. James's Park. No inquiry has been made as to how far buildings of such height are calculated to injure the neighbours, who would, I apprehend, be able to assert their legal rights if injuriously affected as regards light and air. The rules of the Building Acts at present in force are calculated for walls up to 100 feet in height; but, where it is intended to exceed that height a discretionary power is given to the Board, which they have not felt justified in refusing to exercise in the present instance, having regard to the unusual strength and stability of the building. A Bill was introduced by me in 1874, which would have dealt with this question, but it did not receive the sanction of Parliament; and up to the present time the Board has not come to any resolution to renew their application for further powers.

EAST INDIA IRRIGATION COMPANY.

QUESTION.

MR. SMOLLETT asked the Under Secretary of State for India, Whether the term of three years of grace given to the East India Irrigation Company in 1874, for repayment of their debenture debt having expired, that association is now prepared to repay by instalments portions of the capital debt contracted many years ago; and, whether, if neither capital nor interest be paid, legal measures will be taken to enforce payment?

LORD GEORGE HAMILTON: The hon. Gentleman is sufficiently acquainted with the past complicated transactions between the Indian Government and the Madras Irrigation Company to obviate the necessity of my recapitulating them. No interest on the sums advanced by the Government of India has been paid, and a considerable portion of the principal, though due, has not been repaid. In dealing with the Company Lord Salisbury's one object has been to diminish the annual loss imposed hitherto upon

the Indian Exchequer, and if legal measures will facilitate that end, he will not hesitate to resort to them.

GIBRALTAR—THE ORDINANCE.

QUESTION.

MR. KNATCHBULL-HUGESSEN asked Mr. Chancellor of the Exchequer, Whether, considering that a fuller discussion of the matters involved is desirable than can be obtained by question and answer in the House, he will afford facilities for the discussion at an early period of the ordinance affecting the colony of Gibraltar?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had been in communication with his noble Friend the Secretary of State for the Colonies (the Earl of Carnarvon) on the subject referred to by the right hon. Gentleman, and he entirely agreed that it would be desirable a discussion should be held before the ordinance was confirmed. He could not say with much certainty whether it would be possible to find a day for the discussion during the present Session; but if one should not be found, the noble Lord thought that the ordinance might stand over until the beginning of next Session.

NAVY—H.M.S. "INFLEXIBLE."

QUESTION.

CAPTAIN PIM asked the Secretary to the Admiralty, Whether he has any, and, if so, what objection to the addition of three Members of this House to the Committee appointed to inquire into the stability and safety of H.M.S. "Inflexible?"

MR. A. F. EGERTON: In answer to the hon. and gallant Gentleman, I have to say that the Admiralty are satisfied they have appointed a Committee perfectly competent to form a just judgment on the questions respecting the *Inflexible*, to which the hon. and gallant Member has referred. Under those circumstances, I consider it would be unnecessary and inexpedient to make any addition to that Committee either by Members of this House or by any other persons.

STREET TRAFFIC (METROPOLIS).

QUESTION.

MR. GREGORY asked the Secretary of State for the Home Department,

Whether there is any Law or Regulation relating to the Metropolis for preventing waggons or carts stopping in the streets for an indefinite time for the purposes of loading and unloading, or for preventing the public thoroughfares being blocked for a great part of the day, as in Covent Garden and other places; and, if so, whether the police have instructions to enforce such Law or Regulation?

MR. ASSHETON CROSS: The police regulations for managing the traffic in the streets of the Metropolis are based upon the Police and Highway Acts. Carts and waggons are not entitled to remain longer than necessary for loading and unloading, and it is for the police to see that such regulation is complied with. Covent Garden is an exception; the area being wholly inadequate for the requirements of the trade. During market hours the approaches are occupied by vehicles, but after market hours they are cleared for ordinary traffic—a special staff of police being employed.

INDIA—AFFAIRS OF KHELAT. QUESTION.

MR. GRANT DUFF asked the Under Secretary of State for India, Whether the Secretary of State in Council has sent any reply to the Despatch from the Government of India relative to the affairs of Khelat, dated 23rd March 1877; if so, whether there is any objection to laying it upon the Table; and, further, when the Papers relating to the new frontier administration will be in the hands of Members?

LORD GEORGE HAMILTON: The Secretary of State has not yet sent any reply to the despatch referred to. The Frontier Re-organization Papers are in the printer's hands in an advanced state, and may be expected to be in the hands of Members at an early date.

ARMY—TROOPS FOR FOREIGN SERVICE.—QUESTIONS.

COLONEL NAGHTEN asked the Secretary of State for War, If it is a fact that the 37th Regiment has been called upon to supply men to other regiments than its linked battalion, and that more than 100 men of that regiment have received bounty to volunteer, and have embarked for foreign service this week; whether, in time of peace, it is intended that

regiments should be made up to their strength by such means; and, whether this demand for men arises from there being so many youths in regiments at Aldershot unfit for active service?

MR. GATHORNE HARDY: My hon. and gallant Friend's Question has been entirely altered since he first gave Notice of it. It is not the fact that this regiment has been called upon to supply men to any other regiment than its linked battalion, nor have any of the men embarked; nor, so far as I am aware, are any going to do so.

MR. H. B. SAMUELSON asked the right hon. Gentleman, Whether the troops already despatched, and those about to be sent to the Mediterranean, have been provided with the regulation light helmets and light clothing for the Mediterranean and India?

MR. GATHORNE HARDY: Ofcourse, Sir, the regulations have been observed.

MERCHANT SHIPPING ACTS—THE "CAIRO."—QUESTION.

MR. MELDON asked the President of the Board of Trade, Whether the inquiry into the supposed loss of the "Cairo," promised by him on the 12th April to be instituted, has been held; and, if so, what is the result; whether he can give any information on the subject of the loss or supposed loss of the ship; whether (as also promised) any of Her Majesty's ships or any private ship has been directed to call at Goff Island or elsewhere to search for the crew and passengers of the "Cairo;" and, whether any hope can be held out to the parents and relatives of the persons who were on board that the crew and passengers are safe?

SIR CHARLES ADDERLEY: The inquiry into the supposed loss of the *Cairo* was opened before the Wreck Commissioners on the 30th of May, and as it appeared that important evidence could be given by the crew of the *Strathdon*, an adjournment was made for the arrival of that ship, which may now be very shortly expected. I have no information to give to the hon. and learned Gentleman. None of Her Majesty's ships have yet since visited Tristan d'Acunha or Goff Island, nor has any private vessel been engaged for the purpose; but the Admiralty inform me that they are not losing sight of the

subject. I am quite unable to say whether hope can or cannot be held out of the safety of the crew and passengers, as no one knows the nature, cause, or place of the disappearance of the missing ship.

ARMY PROMOTION AND RETIREMENT —INCREASE OF CHARGES.

QUESTION.

MR. TREVELYAN: I beg to ask the Secretary of State for War a Question of which I have given him private Notice. I wish to ask, Whether the cost of the Government scheme of promotion and retirement for the Household Cavalry, Guards, and Line will exceed or fall short of that of the scheme proposed by the Commissioners—that is to say, £1,884,000 annually for the first five years, as against the present charge of £920,000; whether the permanent increased charge to the public over and above the present expenditure will exceed or fall short of £350,000 annually, as estimated by the Commissioners; and what proportion of these increased charges will fall upon the Indian Exchequer?

MR. GATHORNE HARDY: I will reply as fully as I can to the Questions which the hon. Member has addressed to me. As far as I can ascertain the cost of the Government scheme of promotion and retirement will fall short of the Estimate of the Commissioners, and the permanent increased charges will also fall short of that Estimate. With respect to what proportion of the increased charge will fall upon the Indian Exchequer, it is impossible, at present, to ascertain that fact, as it depends upon a variety of contingencies which will be taken into consideration as they arise.

MR. TREVELYAN gave Notice that on going into Committee of Supply on the Supplementary Estimate for Promotion and Retirement in the Army, he should move—

“That this House, while fully prepared to consider the question of Retirement with a view to secure a sufficient flow of Promotion in the Army, cannot, at this late period of the Session, proceed to sanction a scheme which demands mature and careful consideration, inasmuch as it entails a large increase of expenditure on the English and Indian Exchequers, and materially affects the future of our Military system.”

ELEMENTARY SCHOOLS—CASE OF JOHN JERMY.—QUESTION.

MR. COLMAN asked the President of the Local Government Board, If his attention has been called to the case of John Jermy, a pauper child in the county of Norfolk; whether it is a fact that he was more than twelve years old when the board of guardians compelled him to give up work and attend school; and, whether the guardians are justified in preventing the son of a pauper parent from earning his livelihood till he is fourteen years of age unless he has passed the third standard?

MR. SCLATER-BOOTH: Sir, My attention has not been called to this case except by the Question, and it has been impossible to make inquiry, as the hon. Gentleman has not specified the Union to which the child belongs. But, in truth, there was no occasion to make inquiry; for, on the facts stated, there is no doubt that the Guardians were not only justified in withholding, but that they are prohibited from giving out-door relief to any pauper whose child, being between the ages of 5 and 14, has not attained the Third Standard, and is not provided with elementary education—that is, is not attending school.

PARLIAMENT — OBSTRUCTION OF PUBLIC BUSINESS.—QUESTIONS.

THE MARQUESS OF HARTINGTON: Sir, the right hon. Gentleman the Chancellor of the Exchequer having given Notice yesterday that he would, tomorrow, submit to the House some proposition on the subject of the conduct of the Business of the House generally, I wish to ask him whether he is now able to state to the House the terms of the proposals he intends to make? I wish further to ask him whether, in his opinion, it would not be desirable that the discussion upon those proposals should be taken upon his proposals, without reference to any personal matter whatsoever; and, in that case, whether he would be prepared to consider the expediency of moving that the Order for resuming the adjourned debate on the Motion submitted by him in reference to the conduct of the hon. Member for Meath be discharged?

THE CHANCELLOR OF THE EXCHEQUER: I am not able, Sir, at the pre-

sent moment to give the exact terms of the Resolution which I shall submit to the House to-morrow, but I can state the general effect of them, and I will place the terms on the Paper during the evening. I intend to propose two Resolutions, which will be in substance something of this kind. The first will be that, when any Member, after having been more than once declared out of Order, shall be pronounced by the Speaker, or the Chairman of Committees, as the case may be, to be wilfully defying the authority of the Speaker or the Chairman, the debate shall be at once suspended; and on Motion being made in the House, such Member shall not be heard during the remainder of the debate or the sitting of the Committee, such Motion being put after the Member has been heard without further discussion. I do not pledge myself to these exact words, but it will be some Motion of that character. The second Resolution will be to the effect that there should be a restriction in Committee upon Members being allowed to move either to report Progress or that the Chairman do leave the Chair more than once. It will be for the convenience of the House that I should bring these Resolutions forward at the commencement of Business to-morrow, and I shall move that they have precedence over the other Orders of the Day. I quite agree with the noble Lord that it would be for the convenience of the House that we should not mix up the discussion with the Motion relating to the conduct of Mr. Parnell, and I will, therefore, at once move that the Order for the adjourned debate on the proceedings of Mr. Parnell be read and discharged.

Motion agreed to.

Order read, and discharged.

ORDERS OF THE DAY.

UNIVERSITY EDUCATION (IRELAND)

BILL.—[BILL 55.]

(*Mr. Butt, The O'Conor Don, Mr. Mitchell Henry, Mr. MacCarthy, Mr. Sullivan.*)

SECOND READING.

Order for Second Reading read.

MR. BUTT said: In moving that this Bill be now read a second time, I believe

it would be more convenient for the House that I should accompany the Motion by a statement not only of the leading features of the measure but also of the principles and views with which it has been framed. It will be in the recollection of the House that last year I introduced a Bill on this subject containing similar provisions. I then made a statement of the nature of those provisions. The Bill, of which I now propose the second reading, is essentially the same as last year. There have been modifications in some of its provisions. Early in the present year a conference took place between myself and my hon. Friends the Member for Galway (Mr. Mitchell Henry), and the hon. Member for Mallow (Mr. MacCarthy), and four Prelates of the Roman Catholic Church. My hon. Friend the Member for Roscommon (The O'Conor Don) and my hon. and learned Friend the Member for Louth (Mr. Sullivan), who have placed their names with mine at the back of the Bill, were unable to attend the conference. The four Prelates who were present were the Archbishop of Armagh (the Primate), the Archbishop of Cashel, the Bishop of Ardagh, and the Bishop of Elphin. In consequence of the conference some modifications have been made, to which, when I state the provisions of the Bill, I will call the attention of the House. But still, Sir, this Bill is my own. I last year carefully prepared it, after asking for information from all those who I thought would be most likely to enable me to form a correct judgment upon the feelings and opinions of those for whose benefit it was intended. The chief characteristic is that it provides, or endeavours to provide, for the defect that everyone admits to exist in the University institutions of Ireland by establishing and endowing a second College in the University of Dublin; but I feel also that the question comes now in a different way before the House from that in which I was able to present it last year. It is quite true that there has been no formal acceptance of this Bill by the Roman Catholic hierarchy; but yet, Sir, when we find that Petitions have come from the people of Ireland, signed by more than 112,000 persons, with the assent of the Roman Catholic Clergy, I think we may assume that the 61 Members of Parliament who signed a requisition on the subject to the Chancellor of

The Chancellor of the Exchequer

the Exchequer were well warranted in stating that they had every reason to believe that this Bill would give satisfaction to the Irish people, and would be accepted by the Roman Catholic Prelates—an impression, Sir, which, so far as I myself and my Friends are concerned, was more than borne out by the conference in which we took a part. I am far from saying that this is a Bill which the Roman Catholic hierarchy would frame if they had the power of legislating on the subject. No collective opinion has been pronounced, and I have therefore no authority to speak for the hierarchy. I know that there are some of them who would prefer a separate Roman Catholic University as a second College; but I have better authority than any mere verbal conversations for stating that they are ready to accept the institution of a second College in the University of Dublin, provided that second College is formed in accordance with the just claims of the Catholic people. In 1871 a Pastoral was issued to the Roman Catholic people of Ireland, which was signed by all the Roman Catholic Prelates, and in that Pastoral, after stating the points which they considered necessary to be observed in any University institution intended for the Catholic people, they thus express themselves—

“All this can, we believe, be attained by modifying the constitution of the Dublin University, so as to admit of the establishment of a second College within it in every respect equal to Trinity College, and conducted on purely Catholic principles, in which your Bishops shall have full control in all things regarding faith and morals, securing thereby the spiritual interests of your children, placing at the same time Catholics on a perfect equality with Protestants, as to degrees, emoluments, and other advantages.”

Now, Sir, what I ask the House to do in reading this Bill a second time is not to sanction every detail in which I have endeavoured to meet this proposal of the Bishops, but only to assent to the principle that we should endeavour to meet it. It would be great presumption in me to say that I had succeeded in framing a plan by which all the difficulties that surround such an attempt had been overcome; but I can sincerely say that I am not without hopes that if you sanction the principle, and that if either the Ministry by a Royal Commission, or this House by a Select Committee, endeavour honestly and fairly to

collect the opinions and to meet the views of all those who must be consulted on such a measure, and if all parties in Ireland will act with forbearance and moderation, a measure may be framed upon the lines of that which I introduce which will give satisfaction to the Irish nation. I trust the House will permit me to say one word upon a subject upon which I cannot say more. I would ask of every Member of this House, whatever exasperation he may feel at any occurrences that have taken place, not to visit that upon the measure, but to deal with it upon the broad and great principles upon which such a measure should be decided. No greater calamity could befall this House than if any feelings of resentment at the conduct of individuals were to influence their vote upon a question which concerns not individuals but a nation. In approaching this question we must first consider the amount of revenue derived from State endowments which is now applied to the purposes of University education in Ireland. Ireland has two Universities—the Dublin University, composed only of Trinity College, and the Queen's University, instituted in 1845, with its three Colleges at Cork, Galway, and Belfast. To use a phrase which I find commonly employed in the Report of the English University Commissioners—the “external income”—meaning that derived from endowments and not from students' fees—at Trinity College does not much exceed £40,000 a-year. In 1854 a Royal Commission estimated its external income at £30,000 a-year. A more recent Return of the hon. Member for Longford fixes it as high as £43,000. I am not concerned to account for the difference. I believe that in the last Return there is included the annual produce of a sum paid to the College in compensation for the loss of ecclesiastical advowsons. Possibly there are also included in it an annual income of £2,000 derived from a gift of an estate by the corporation of Dublin at the foundations of the College, and about an equal sum derived from an estate left to them by Provost Baldwin—neither of which may, perhaps, be properly called State endowments. But it is enough for me to say that at no time has the income derived from State endowments for Trinity College amounted to £45,000, even includ-

ing an estate yielding about £1,000 a-year which has been left separately to the Provost. The Queen's Colleges have each £7,000 a-year settled on the Consolidated Fund. That is beyond the control of this House. This year we have voted in the Estimates for the Queen's University £4,634, and for the Colleges £11,800; but of this latter sum about £6,000 is repaid by fees collected from pupils, and which, under an arrangement with the Treasury are paid into the Public Exchequer. This, therefore, would leave the grant voted this year for the Queen's Colleges at something like £10,000. In addition to this there is a small Vote for the repairs and maintenance of buildings which in the Colleges is borne by the Public Exchequer. This would leave the sum derived from public sources of University institutions in Ireland thus:—For Trinity College, derived from endowments of land, £43,000 a-year; for the Queen's University and the Colleges composing it, £21,000, settled by Act of Parliament; and £10,000 voted on the Colleges; making the endowment of the Dublin University £43,000, and of the Queen's Colleges £33,000, or altogether, £76,000. It would surprise hon. Members, some of whom had talked of the enormous wealth of Trinity College, to be told that the University of Dublin has only £10,000 a-year more of endowment than the Queen's University and its Colleges. Now, I will ask the House for a moment to contrast this provision with that made for University education in England. We have voted this year for the London University a sum of £10,670—a little more than we have voted for the Queen's University in Ireland; but if we look to the elder Universities we there see a remarkable contrast. I need not say, Sir, that Trinity College has all the powers and bears all the expenses of a University. Its income, therefore, is not to be treated as that of a College. The University of Oxford has, in its separate capacity as a University, an endowment producing £29,000 a-year; the external income of its Colleges and Halls derived from land amounts to £307,000 a-year—making the total income of the University of Oxford £336,000. The external income of Cambridge University amounts to £13,000; that of its Colleges and Halls to £264,000—making

the total income of Cambridge University £277,000. The united income of the two Universities derived from endowments amounts to £613,000 a-year. That is in contrast with the income of £43,000 enjoyed by the University of Dublin, which of late years has been supplemented by £39,000 a-year voted to the Queen's Colleges. It is right to observe that as a means of making provision for their Fellows, Oxford University has benefices in the gift, either of the University or its Colleges, the annual income of which is £137,000, and Cambridge has benefices with an annual income of £135,000. I might, Sir, be tempted to stop and ask what Trinity College did for many generations on an endowment that never amounted in any year to £40,000, and how it maintained an honourable competition of which no Irishman need feel ashamed with the two great English Universities endowed with more than £600,000 a-year? But I would use the contrast, as supplying me with an unanswerable argument in favour of the proposal which this Bill makes—that out of a fund which, in fact, represents the endowments provided by our ancestors in ancient times—I mean the surplus of the property of the Disestablished Church—provision should be made for the absolute necessities of Irish University education. This is the same class of property from which the endowments of the English Universities are derived. Now let me ask the attention of the House to the state of things that actually exists in Ireland. From the benefits of University institutions the great mass of the people are practically excluded; and I may observe, in passing, that in addition to these University endowments there are in Ireland some small endowments for intermediate schools; but including these in the observation that I make, there is not in the whole of Ireland, from one end of it to another, a single endowed educational institution in accordance with the convictions and religious belief of the Irish people. I cannot, perhaps, express this better than by quoting the words in which it was stated by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), then Chancellor of the Exchequer, in a speech delivered by him at Southport on the 19th December, 1873—

"At the present moment no University degree can be granted in Ireland, except in Trinity College, Dublin, where the system of the Established Church is taught, and in the Queen's Colleges and various places where no system of religion is taught at all as a part of the system of education; and that if there be Roman Catholics—and there are numbers of them—who hold in Ireland the very same opinion that we hold in England—namely, to prefer having their children trained in establishments where their own religion is taught—these children are deprived from the privilege of a University degree, and that degree by a civil privilege, it comes to this—that there are still in Ireland civil disabilities on account of religious opinion. Now, we would not bear that ourselves."

Now, Sir, when I have said that there is not an educational institution in Ireland receiving a State endowment which is in accordance with the religious convictions and belief of the Irish people, I have stated a national grievance of no ordinary kind. You have endowed institutions founded on principles adverse to those convictions and that belief. You have institutions like your endowed schools, and, like Trinity College, essentially Protestant in their character. You have institutions like the Queen's Colleges, representing a form of teaching still more repulsive to the feelings of the Irish people—I mean a form that altogether excludes religious teaching—but a single institution in harmony with the feelings of those who constitute the majority of the people you have not. I do not know that I ought to take up the time of the House in adducing statistical proofs; but the result is that a very small proportion of Roman Catholics avail themselves of University education in Ireland. I have no wish to enter into any controversy as to the Queen's Colleges; but everyone knows that they have failed in attracting to them Roman Catholic students. I will take the total number attending lectures in the three Queen's Colleges in the sessions of 1875 and 1876 as I find them in the last Reports of those Colleges. In October, 1876, Galway had 156 students, of whom 82 were Roman Catholics; Cork had 250, of whom 131 were Roman Catholics; and Belfast 404, of whom 11 were Roman Catholics—making in all 224 Roman Catholics attending in that year's lectures, out of those three Colleges. At the end of 1874 I find a statement contained in the Report of the President of the Belfast College, that the

total number attending lectures was 781, of whom 217 were Roman Catholics. But, Sir, I quite agree with a remark which was made by the right hon. Gentleman the Member for Greenwich in 1873, that the large proportion of the students attending the lectures at the Queen's Colleges are not attending them for the purpose of University education in its proper sense, but to acquire technical or professional knowledge. The schools of Medicine, of Engineering, and of Law do not represent persons who come for the purpose of University training. It is only the Faculty of Arts that we ought to consider in estimating the number of persons really coming for University education. In Belfast, at the end of 1876, there were only 119 in the Faculty of Arts; in Cork, 51; and in Galway, 53—about one-third of the entire number of students matriculated in the Faculty of Arts. Now, if we were to take the same proportion of Roman Catholics as are matriculating in the Faculty of Arts, the number of Roman Catholics really seeking University education would be about 70. Of all the students in the Colleges, you would only have 70 really students belonging to the Roman Catholic Church. And I believe this is the real proportion of Roman Catholic students in the Queen's Colleges. To this, however, we must add the Roman Catholics who are receiving their education in the University of Dublin. The right hon. Gentleman the Member for Greenwich, in his speech in this House in 1873, estimated the number of these at 100. It is, of course, easy to attain the exact number; but I should be disposed to fix them at 70. But even taking them at 100, we have of the whole Roman Catholic population of Ireland but 170 availing themselves of University education—a number so disproportioned to the Roman Catholic population as to prove in itself that our University institutions are vitally defective. But, Sir, this is not a religious, but a national grievance. If we add to the 223 students in Arts in the Queen's University all that have matriculated in Dublin, we have not altogether more than 1,100 persons in Ireland seeking for University education. This is a number which shows that a large proportion of the people of Ireland do not receive the benefits of a University education who might be

expected to do so. Before I pass away from this allusion to Trinity College, let me say that nothing has been done to make Trinity College more suited to Roman Catholics by the change which was made by the Bill introduced by the hon. Member for Hackney (Mr. Fawcett). It is still essentially a Protestant institution. There is within its walls a College chapel in which Divine worship is conducted according to the rites of the Protestant Church. There is no building in which it is celebrated according to the Roman Catholic form. There are 70 Scholarships in Trinity College, and since the passing of that Bill three only of those Scholarships have been obtained by Roman Catholics. If, indeed, any of those things which would establish religious equality were to happen—if there were Roman Catholic Fellows equal in number to the Protestant—if Mass were celebrated in a building set apart for that purpose; if a Roman Catholic ecclesiastic or even a Roman Catholic layman were nominated Provost, I am quite sure that the effect would be that Protestants would leave Trinity College, and it would become utterly unsuited for the purposes of a Protestant University education. But none of these things have happened, and none of them will happen in the present generation, and while the youngest of us is alive Trinity College will continue a Protestant institution. I think I have now gone far enough to show that if you want to supply the opportunities of University education to the whole Irish people, some new element must be introduced. But this is a social as well as a religious and national grievance. If there be anything in University education, it must give the man who receives it some advantages in social life. It was only when I began to study the question and to collect information on the subject, that I perfectly understood the unfair advantage which our present educational arrangements give to the Protestant. In every department of life he has an advantage. He has the means of education supplied by the State which are not open to the Roman Catholic. This constitutes a religious ascendancy of the very worst kind, because it rests upon condemning a large proportion of the people to inferiority of education. Every Protestant in Ireland would perceive the unfairness of that

ascendancy, and would wish to give to the Roman Catholics the advantages he himself possessed. I now come to the question itself, and if the House agrees with me that 150 Roman Catholics are not a fair proportion to receive a University education, it remains only to remedy the evil. That can be done in two ways—either by founding a separate Roman Catholic University, or by establishing a second College in the Dublin University, suited to meet the wants and the wishes of the Catholic people. I myself, Sir, am an advocate for the second College. A long time must elapse before any new University, however well and wisely conducted, could acquire for its degrees prestige which belongs to those of the elder University. That University has many great traditions and many proud recollections. The names of Grattan, of Burke, of Curran, and most of the men whose names have become household words in Irish history are connected with it. I wish to make our Roman Catholic countrymen sharers in all these traditions—traditions which we have acquired as a national University, and in which, therefore, they have a right to share. But, in introducing this Bill in this shape, permit me to re-state the position which I occupy. I brought in this Bill on my own responsibility—a responsibility shared only with the Friends who allowed me to associate their names with mine in introducing it. I brought it in as a Member of this House, as a Member of the Senate of Dublin University. I wished for a second College for the sake of the University itself—for the sake of the Protestants of Ireland—for the sake of the Roman Catholics of Ireland. I preferred this to the establishment of a separate University. I think the great principles on which such a Bill ought to be founded are these—to give the Roman Catholics a College in which they receive education according to their convictions, and it is vain to disguise from ourselves that this involves the giving to the Roman Catholic Bishops as much control as the Catholic people of Ireland believe that religion requires they should have. Another principle would be to place Roman Catholics practically on an equality with Protestants in endowments, and, as far as possible, in the prestige that should belong to the degrees they would obtain. But

there are other objects also to be kept in view. We are not to impair the efficiency of Trinity College as an institution for the education of Protestants. We are not to lower the standard of University education; nor are we to place University education under the Government control, which has been fatal to every University system over which it has thrown its withering shadow. Now let me, in the first place, advert to the declaration of the Roman Catholic Prelates to which I have already referred. They each stated what they considered requisite for the higher education of the country. I am quoting from a Pastoral which they all signed in 1871—

"As regards higher education (we repeat the words of the resolutions adopted by the Archbishops and Bishops of Ireland in August, 1869), since the Protestants of this country have had a Protestant University, with rich endowments, for 300 years, and have so still, the Catholic people of Ireland equally have a right to a Catholic University. But should Her Majesty's Government be unwilling to increase the number of Universities in this country, religious equality cannot be realized unless the degrees, endowments, and other privileges enjoyed by our fellow-subjects of a different religion be placed within reach of Catholics on terms of perfect equality. The injustice of denying to us a participation in those advantages, except at the cost of principle and conscience, is aggravated by the consideration that whilst we contribute our share to the public funds for the support of educational institutions from which conscience warns us away, we have, moreover, to tax ourselves for the education of our children in our own Colleges and Universities. Should it please Her Majesty's Government, therefore, to remove the many grievances to which Catholics are subjected by existing University arrangements, and to establish one national University in this Kingdom for examining candidates and conferring degrees, the Catholic people of Ireland are entitled in justice to demand that in such University or annexed to it, they shall have one or more Colleges conducted upon purely Catholic principles, and at the same time fully participating in the privileges enjoyed by other Colleges of whatsoever denomination or character; that the University honours and emoluments be accessible to Catholics equally with their Protestant fellow-subjects; that the examinations and all other details of University arrangement be free from every influence hostile to the religious sentiments of Catholics, and that with this view the Catholic element be adequately represented upon the Senate or other supreme University Body of persons enjoying the confidence of the Catholic Bishops, priests, and people of Ireland."

I cannot think that those requisitions were unreasonable, and they were fol-

lowed up by the passage I have already quoted, in which the Prelates stated their belief that they would all be satisfied by the establishment of a second College in the University of Dublin. Now, Sir, we have in the City of Dublin an institution called the Catholic Union. It has been several years in existence. The Commissioners of Science and Art reported, two or three years ago, that £200,000 had been subscribed by the Catholic people in support of the institution. No doubt, a large proportion of this has been expended in the annual support of the institution, but a portion still remains available in the buildings and other property of the institution. That institution enjoys the goodwill and confidence of the Irish Catholic people. It is not easy to convey to Members of this Assembly the exact position which it occupies in Ireland. I can only say that it has among its Professors men of the highest eminence in several of the walks of science. It has won the respect of all classes, including the leading men of Trinity College, and many interchanges of civility attest the readiness on the part of Trinity College to acknowledge it among the new institutions of the country. It is too common to impute to Roman Catholic education a tendency to restrain the freedom of thought. The Catholic Union has an historical and literary society, in which topics—as in the kindred institutions of other Universities—are freely discussed. It has been frequently my lot to be present at the opening meetings of the society, where the President delivered an inaugural address; and I believe there is no one who has been present on those occasions who would not bear me out in saying that nowhere has there been displayed more perfect freedom and liberality of thought and reasoning than in the addresses to which we have had the good fortune to listen; and I must add, Sir, that among the men educated at Catholic Universities I have found as true liberality of thought, as entire an absence of sectarianism and bigotry, and a tone of thought as free and enlarged as I have met with among any class with whom I am acquainted. I believe it would be the extreme of folly that could induce us to disregard the claims of this institution, to be accepted as a challenge representing Catholic thought and intellect in the University of Dublin. I

therefore, Sir, propose in this Bill to offer to the Chiefs in that institution the option of a Charter and incorporation as a second College in the University of Dublin. I do not propose to affiliate any other seminary or institution with the University. I propose that Trinity College and this Catholic College should at present constitute the sole members of the University, and while the Bill provides for new Colleges that may be founded in future times, it enacts that all those Colleges should be situated within a short distance of the centre of Dublin. I have, Sir, no wish to discuss the Bill which was introduced in 1873 by the right hon. Gentleman the Member for Greenwich. I am quite ready to do justice to the liberality of sentiment which marked the framing of the Bill. I believe that it was dictated by a sincere desire to do justice to the Irish people in this vital matter of University education, and I do not stop now to inquire into the causes of its failure. But, Sir, I cannot help remarking that I believe the attempt to affiliate to the University in Dublin a number of seminaries in the country was one of the causes of the failure, because it was felt by every Irishman that this must have the effect of lowering the standard of University education. That I am not speaking this without reason I think I can satisfy the House. The opinion of the Catholic laity was against that scheme. I hope the House will pardon me if I refer to an address which was presented to myself by a large number of the Professors and students and ex-students of the Catholic University. In that address they pointed out the preference which they give to the Bill I have framed, because it did not lower the standard of University education in Ireland. Speaking of the right hon. Gentleman's (Mr. Gladstone's) Bill, they say that it proposed to associate with Trinity College, under the Dublin University, not a great institution, which might act as an intellectual centre for the Catholics of Ireland, and which might afford them some hope of recovering the reputation which Catholic Ireland once possessed for learning—instead of giving a centre of Catholic thought, it would have tacked on to the University of Dublin a number of schools and seminaries scattered throughout the country, amongst which com-

pany the Catholic University was admitted without one penny of endowment, without any one special advantage, without any one distinguishing characteristic which could enable it, as the heart of the Irish Catholic educational system, to diffuse life and vigour throughout the members of that system. And they added, that had that Bill passed a central examining Board—a weak resemblance of the London University—the Catholics of Ireland might thenceforth have had education; but University education, in the true and high sense of the term, they never could have hoped for. And they contrast with this the Bill which I have introduced, by saying that my proposal is not to drag the Catholic University and a great College into an ill-assorted union with a number of smaller seminaries scattered throughout the country—a union which might be able to degrade the College to the level of a seminary, but which never could elevate a seminary into the standard of a College. I have ventured to quote these sentences as indicating what I believe to be the general opinion of the educated Catholic laity. They desire that the standard of University education should be maintained, and that whatever be the Collegiate or University institution that would give them justice in the matter of higher education, it should, in its requirements, be upon a level with the old established Universities of the Kingdom. As to the constitution and government of the two Colleges, the Catholic University is at present under the control of 12 of the Roman Catholic Bishops of Ireland. I propose to preserve that body, under the title of Committee of Founders, and almost all the powers which they exercise. There are to be associated with them 12 laymen. The first 12 are to be named in the Bill; and in future, vacancies among those laymen are to be filled up alternately by an election by the Graduates of the College and of the Senate, as the body constituted of the 12 Bishops and 12 laymen is to be termed. This addition of laymen to the Council of Bishops has been suggested by the Prelates who met myself and my Friends in the conference which I have already mentioned. In addition to these there is to be a Collegiate Council, consisting of 12, four to be nominated by the Senate, four by the

Professors of Dublin University, and four by the Graduates. The Graduates are to assemble in a separate body, to be called the Congregation of Graduates. These three bodies—the Senate, composed as I have described, the Collegiate Council, and the Congregation of Graduates—constitute the Governing Bodies of the Catholic University. The Professors, who are to hold their office for life, or during good behaviour, are to be elected in this way—three names are to be recommended by the Collegiate Council, of whom the Senate is to choose one. The power of making ordinances on certain subjects connected with the discipline and arrangements of the College is entrusted to the Senate; other matters are to be regulated by the Collegiate Council; but no change is to be made in any regulation sanctioned by the Act without the assent of the Lord Lieutenant and Privy Council of Ireland. Those are the outlines of the mode in which the new Catholic College is to be constituted. It is a subject which I think ought to be left greatly to the Roman Catholic people themselves. I believe that the mode in which the government of the College is arranged will be found such as will meet with their approbation. I do not, however, wish to rest this Bill either on this point or any other point upon a perfect agreement on its details. As to Trinity College, the management is still left in the hands of the Protestant Senior Fellows of the Academic Council, elected in the same manner as at present, and of a Congregation of Graduates substituted for Convocation. As, of course, in future the Graduates of the other College will become members of the Convocation, a Congregation of the Graduates of the College is substituted for Convocation. In the powers that are to be exercised over the arrangement of the College itself the University of Dublin remains as at present, with a Vice Chancellor elected by Convocation, and with the addition of an Academic or University Council—seven to be selected by the Governing Body of each College, two more by the Graduates of Trinity College, and two by those of the new College. These, with the Chancellor and Vice Chancellor, constitute the Academic Council; and to the Council is largely entrusted the ordinary management of University examinations and other mat-

ters relating to the daily life, I may say, of the University. Statutes of the University can only be made with the assent of the Academic Council and of Convocation, and no statute can be made unless it has obtained the assent both of the Protestant Senior Fellows of Trinity College and of the Senate of the Catholic College. Now, as to the mode of obtaining degrees. Degrees are to be conferred, as at present, by the Convocation of the University. The degree of B.A. is to be obtained by residence in either of the Colleges, and attending lectures, and complying with such other regulations as each College may make. Each candidate must go through two University examinations, one at the end of two years, and the other when he offers himself as candidate for his degree. These University examinations are to be conducted by a Board of Examiners appointed by the Academic Council, and in the Bill itself the course to be used at these examinations is prescribed. It may seem an unusual thing to include in the Bill the University course examination which shall qualify a person for a degree; but there are reasons which make it expedient to do so when you are combining two different Colleges; and, perhaps, it will surprise some of you to be told that in the course there is to be found provision for examination both in history and moral philosophy. As to the qualification of the common degrees, I will not detain the House by pointing out the subjects which by the Bill are made necessary for passing the University examinations, and also prescribed as subjects to be taught in the Colleges; but I venture to say that if anyone will take the trouble of looking over the Schedule to the Bill he will admit that the course of study prescribed for the students is such as in no degree to lower the standard of University education in Ireland, and is in liberality and completeness equal to the requirements of any University in the United Kingdom. The Bill leaves to the University of Dublin all the powers it now possesses of granting degrees, with the exception of Degrees in Divinity, but it authorizes each College to grant a diploma conferring the title of D.D.—a diploma, however, which confers no University right. I ought to have mentioned that there is a provision that the Council of Bishops may appoint in the Catholic College

Professors of Divinity; but there is also a provision that none of the revenues conferred upon the College by the Act shall be applied to payment of such Professors, and to prevent that same thing being done indirectly there is a provision that no theological Professor shall hold any other office or Professorship in the College. A provision has been introduced this year into the Bill that the Vice Chancellor, instead of being appointed at the absolute discretion of the Chancellor, shall be selected from three names to be furnished to him alternately by each College, the Vice Chancellorship to be held for a period of three years. With respect, however, to the obtaining of degrees, I ask the particular attention of the House to a provision to which I attach the greatest value. The House will permit me fully to explain this. It always has been the habit of the University of Dublin to allow persons to obtain admission into the University of Dublin — to allow persons to obtain degrees by attending certain examinations in the year, without residence, and without attending lectures. I propose to continue this. Recently, students have been admitted into the English Universities without entering any College; and I propose to adopt this plan in the Irish University, so that any student who does not desire to enter either of the Colleges may matriculate as a member of the University, without residence or attendance on lectures at either College. By these means any person who acquires the requisite knowledge may obtain his degree, receiving his education in any place he thinks fit, or educating himself, the only requisite being that he will prove that he is following the University course by regular attendance at examinations; and that in addition to this he shall be able to pass two University examinations to which persons receiving their education in the two Colleges are subjected. This is obviously but the introduction of a new element of competition in the two Colleges; and, unless the education afforded by the two Colleges is such as to make it worth the while of the student to undergo the expense and inconvenience of Collegiate residence, it is obvious that many, at all events, will avail themselves of the privilege of dispensing with it, and also persons who

from any motive may have an objection to enter either of the Colleges will find the means of obtaining a degree, and also admission to compete for all the emoluments and honours of the University without joining either College. Consequences will, no doubt, follow from this upon which I do not wish at present to detain the House, and it is possible that in a few years Halls may be founded in Dublin in which students belonging to some particular denominations may find a home in the City of Dublin, and take their degree in the University; and I may add that there is a provision in the Bill that any student who shall matriculate in the University may avail himself at a small charge of the lectures given in any College. Having thus briefly sketched the constitution of the Colleges and of the University, I will now ask the attention of the House to the endowments which I propose for them. Trinity College is already endowed, as I have stated, with £43,000 a-year. In the Bill of 1873 it was proposed that Trinity College should contribute in money a sum of £12,000 a-year to maintain the University. I do not purpose to impose any pecuniary contribution upon Trinity College; but I do purpose that that Body shall contribute to the University something that will be much more valuable than money. There are now 70 Scholarships in Trinity College, which, with rooms and free commons and the small stipend, are worth about £50 a-year each. These, of course, can now only be obtained by students in Trinity College. They are sought after with an eagerness disproportionate to their money value. The Scholarship Roll contains the names of many Irishmen, from Edmund Burke downwards, who have been illustrious in former times. The Bill proposes that these Scholarships shall be thrown open to all students of the University. If one is obtained by a student who is not a member of Trinity College, he has the chance either of becoming a member of the College, or of receiving from the College an annual sum equivalent to the worth of the Scholarship. It will be to him a grant of £50 a-year for five years during which the Scholarship can be held, and it is proposed that it shall carry with it the privilege of voting for the Representatives of the University — a privilege reserved in the Reform Bill,

even for Undergraduate scholars, and which attaches a peculiar value to the obtaining of the honour. Again, the number of Fellows in Trinity College is now excessive. I propose that 10 of these Fellowships shall be converted into University Fellowships, and that each of these 10 Fellows shall receive from Trinity College the same stipend as would be paid to him if he were elected a Fellow of the College. That stipend is a very small one, and will, of course, not include any of the fees for tuitions which he may have received as a Fellow of College. In addition to this stipend, each of the 10 Fellows is entitled to receive from the University revenues as much as will increase the total income to £200 a-year. There are also Professorships which are virtually Universityships, although the salaries of the Professors are paid out of the revenues of Trinity College. I propose that they shall still be so paid, but that their nomination shall rest with the University Professors. The Professorships with which I propose so to deal are the Royal Professorship of Astronomy, with a salary of £700 a-year, independent of a residence in the University and several acres of land; the Regius Professor of Law, who has a salary of £500 a-year; the Regius Professor of Physic and Surgery; and last, but not least, of Music. These five Professorships will continue on the College revenues—a charge of more than £2,000 a-year on the transfer of the Fellowships. There is another annual contribution of £1,000 a-year, and the surrender of the 70 Foundation Scholarships, taking each of them at £60 a-year, will be a money contribution of £4,200 a-year, imposing on the revenues of Trinity College an annual charge of £8,000. In addition to this there are 14 studentships, of £100 a-year each, recently founded by the Board. I propose that these shall be open to all students of the University, making a further contribution of about £1,000 a-year. So that in all, Trinity College will bestow upon the University places maintained out of its own revenues of the value of about £9,000 a-year. The Bill of 1873 required them to contribute in money an annual sum of £12,000, which I believe will not have been of the same value to the University as the places which under this Bill they will bestow. In addition,

there are a number of small prizes and medals which I propose to throw open to all students in the University. They are small in amount, but of great value in associating the University in its remodelled form with the traditions of the past, because thus the Bill gives to the University an interest in the Library, including a magnificent collection of ancient Irish manuscripts, all of which are now the exclusive property of Trinity College. To provide for endowment of the University as distinguished from either of the Colleges, the Bill proposes that there shall be 15 University Fellowships, held for life, and endowed each with £100 a-year; and the Bill also provides that there shall be given away every year two exhibitions of £100 a-year, tenable for five years. There are also exhibitions attached to some of the endowed schools which I propose to throw open for competition among all the students of the University, instead of their being limited, as they are, to pupils from those schools. I propose, therefore, that there shall be given away the following prizes and Fellowships, open to all its graduates:—25 Fellowships, worth £200 a-year, and 10 exhibitions, worth £100 a-year; to Undergraduates—70 Scholarships, worth £60, and 30 exhibitions varying from £50 to £20 a-year. The Undergraduate Scholarships and Exhibitions will be provided out of funds independent of the University, and half of the expense of 10 Fellowships will be borne by Trinity College. So that the charge upon the University will be 15 Fellowships at £200 a-year each, half of the Fellowships at £100 a-year each, and 10 Exhibitions at £100 a-year each. All these together will make an annual charge on the University revenues of £5,000; but, in addition to these, I propose to place at the disposal of the University authorities 50 Exhibitions of £20 a-year each, tenable for three years, to be given to young men who may be desirous of fitting themselves for the University, and who may require pecuniary assistance in their studies. This will add a charge of £3,000, making the total charge £8,000, to be expended in the manner I have mentioned. I do not think anyone will say that I ask too much for these purposes. In proposing that the Irish Church Commissioners shall provide out of their surplus a sum of £300,000, bear-

ing interest at the rate of 4 per cent, if it continues to produce the same amount of income after providing for these Fellowships and prizes and the pensions in aid of poor students, the University will have a sum of £4,000 a-year at its disposal for all other purposes under certain restrictions which I need not now particularize. I propose to leave this sum at the disposal of the Academic Council, with, however, a provision that none of it shall be applied in any way except providing for the ordinary expenditure of the University, except by a vote in which two-thirds of the Council concur. For the endowment of the new College I propose that as soon as the Charter is accepted, the sum of £30,000 shall be handed over to the College to provide suitable buildings. It is desirable that the Irish people shall manifest their continued interest in the maintenance of a Catholic University institution, and I therefore propose that before any other sum is handed over, the trustees of the Roman Catholic College shall be able to place at the disposal of its authorities a sum of £30,000. The House will remember that nearly £200,000 has been already subscribed. The £30,000 will, therefore, make up £220,000 supplied by the contributions of the Roman Catholic people. Upon this being done, the Bill proposes that double the sum shall be handed over out of the Church surplus to form a permanent endowment of the new Roman Catholic College. That will make the charge on the Church surplus in all amount to £800,000—namely, £30,000 for buildings, £440,000 for endowment of the new Roman Catholic College, and £300,000 in endowment of the University, together with a grant of £30,000 for University buildings. I have now stated to the House the outline of the Bill, omitting, of course, minute details which would have wearied the House without enabling them better to understand the proposal. The main principle of the proposal is the establishment of a second College in the University of Dublin, making the second College of such a character as to provide education for the Roman Catholic people in accordance with their convictions and their faith, and also to offer to every Irishman the power of obtaining a degree without being obliged to submit himself to any peculiar instruction. The latter point is

secured by the provision which I have pointed out of admitting persons to degrees who matriculate in the University without entering either College. Both Colleges I make, as far as possible, independent and self-governing. I give to each of them the equal share in the management of the University; but leave to each College the power of making such regulations as the College itself may think expedient to advance within its own walls the interests of science or of education, and to leave them perfectly free. In this I propose that the Act prohibiting the requirement of the religious qualifications shall no longer apply to the Colleges, although it is retained in full force as to the University. As to the regulations of the Catholic College, that is a matter which we ought to leave almost entirely to the Roman Catholic people themselves. As to the relations which unite the two Colleges, they are of course a matter open to consideration, and upon which it may be found possible, and even advantageous, to modify some of the proposals I have made. All I ask the House now to do in reading the Bill a second time is to affirm the principle of the establishment of a Roman Catholic College in the University of Dublin, without pledging itself to any of the particular details by which the measure is proposed to be carried out. The proposal of the Roman Catholic College is not new. Up to the year 1793 Roman Catholics were not admissible into Trinity College, Dublin. They were excluded, first, by the statutes of the College; and, secondly, by an Act of Parliament, which prohibited them from taking degrees. In that year the statutes of the College were modified by Royal authority, so as to dispense in the case of Roman Catholics with any observances which would interfere with their religion; and in the same year the Irish Parliament repealed the Act which excluded them from degrees. I will ask the House to remember that this was done by the exclusively Protestant Parliament of Ireland, long before Dissenters of any kind were admitted to degrees in either of the English Universities, or even to matriculate at Oxford. But the Irish Parliament went further, and they enacted that a second College might be instituted in which Roman Catholics could hold Fellowships, provided that it was not exclusively for

Roman Catholics, and that it was a member of the University of Dublin. I have not the slightest doubt that, had the Irish Parliament continued its existence this liberal measure would have been carried out, and a second College in such a form as would then have satisfied the Roman Catholics would have been endowed out of the revenues of Ireland, and it is strange that now, after the lapse of 84 years, I have still to ask of the British Parliament to carry out the act of justice and liberality which the Protestant Parliament of Ireland had contemplated. In 1865 the hon. Member for Tralee (the O'Donoghue) revived the question, and a correspondence ensued between Sir George Grey and the Roman Catholic Bishops, which came to nothing. In 1868, Lord Mayo entered into negotiations with the Roman Catholic Prelates on the subject of chartering a Roman Catholic University, but it ended in no result. In 1867, the right hon. Gentleman (Mr. Gladstone) said that the evil arising out of the existing system of Irish education was so great that some way or another must be found for putting an end to it; two generations of youths have passed into the world during the interval, and all this time the British Parliament have been hesitating to deal with the matter. Two generations have gone into the battle of life bereft of the advantages of Catholic University education, to which they were entitled. Is it not time for Parliament to settle the matter? A spirit of conciliation has been manifested by the Irish Catholic Prelates and clergy on the subject, as I have shown by the Pastors I have quoted. Will not Parliament meet them in the same spirit of conciliation? I appeal to them to do so, and to banish from their minds the fatal defect which has been the blemish of so many measures for Ireland—that thought, which they may endeavour to conceal even from themselves, but which nevertheless prevails—that they may use their legislative measures to alter the religious convictions of the Irish people. I assure the House that if these religious convictions are to be altered, it will not be by a University Bill. I appeal to all parties in the House to do justice in this question. I appeal to those who are pledged to support religious education, and I tell them that

they cannot have it in Ireland, unless they give it alike to Protestant and Catholic. They have appealed to Irish Members to support them with regard to religious education in England. Let them give it to Ireland also, and Irish Members will support them. I will appeal also to another Party in the House—to a Party which has laid Ireland under great obligations in other matters—the party which is in favour of secular education. I appeal to them, although I know their views and mine are not alike on that one question, because we have worked together in many others. My views are in favour of religious education, and I believe that the man who is trained only in intellectual qualities, and whose moral faculties are left untrained, is half educated. Let me appeal to those who stand by us on almost every Irish question, and for their support all Ireland is grateful. I appeal to them on their own principles, and I ask them who is to be the judge in this matter? Is it not the father of a child who is to judge whether he should send his child to a religious school or to one from which that element is excluded? Is it not right to give him the right to judge? As long as they continue to be in favour of religious education, I ask them to allow Catholics to have their own opinion and the right to educate their own children in their own faith. I thank the House for having listened to me so long. This is the question of all other Irish questions upon which I feel deeply and earnestly. I entreat all parties in this House not to allow any exasperation which they may entertain against any individual Irishman to interfere with their desire to do justice to a nation. I believe a great grievance is committed upon our Catholic countrymen while the House denies them the right to education which was given me in my young days and in my University days; and I ask them in the name of justice to throw away every other consideration and to extend to the people of Ireland this great blessing—a blessing which is above all others that they can bestow—of an education that will raise them and elevate them in the ranks of nations.

Motion made, and Question proposed,
 "That the Bill be now read a second time."—(Mr. Butt.)

Mr. PLUNKET moved that the Bill be read a second time that day three months. It was obvious, from the hon. and learned Member's speech, that he could hardly mean seriously to press this particular measure upon the House, and that he had used it rather as an opportunity for raising a discussion upon the general question. He had felt, and he believed the House must have felt sympathy for the hon. and learned Member in the difficulties of his task, and admiration for the extraordinary skill of advocacy he had shown. Any one might have felt that, even though they had not read the Bill; but he (Mr. Plunket), having carefully studied it must confess his surprise at the elaborate ingenuity with which, both in the preparation of the measure—containing some 122 clauses—and also in the speech by which its author had introduced it that day to the House, he had endeavoured to reconcile propositions which were, in principle and practice, irreconcilable. He (Mr. Plunket) must proceed to dispel this illusion, and very briefly to point out only a few of the startling and impossible proposals contained in the Bill. He had given Notice of opposition to the Bill with the sanction of the Governing Body of the University of which he had the honour to be one of the Representatives. If the Bill had only professed to charter and endow a wholly separate College or University, whatever he might as an individual Member of the House have thought of such a proposal, he would, on behalf of the existing University, have had comparatively little right to interfere. But this Bill directly invaded Trinity College, and sought to reverse its policy and revolutionize its system, and if it became law, must impair seriously its efficiency, and might ultimately destroy the ancient University of Dublin. Such was the Bill of his hon. and learned Friend; but in his speech he had, in a very self-sacrificing manner, thrown over the result of his own labour and spoken only generally upon the question at large. What did his hon. and learned Friend propose to do? He proposed the granting of a Charter to the new College, and that the Charter should be given to those who were to be called the Committee of Founders, who were now in possession of considerable funds. [Mr. BUTT dissented.] Well, but the ques-

tion as to the authority and influence of the Committee of Founders in the new Corporation gave rise to a point of especial difficulty. That Committee was to consist of the Roman Catholic Archbishops and Bishops of Ireland. To these Prelates was to be confided the control and management of such University education as they thought fit for their flocks. Such was the College that was to be affiliated, and on equal terms, with Trinity College; such was the Committee of Founders—Prelates of whom he desired to speak with respect, but who were to have—would the House believe it?—the power of vetoing any proposal that might be made as to the course of studies in the future University of Dublin! The proposed new College might be the best in the world from his hon. and learned Friend's point of view; but it was not one which could be introduced into the University of Dublin to work side by side with old Trinity College. His hon. and learned Friend had made changes in his Bill of last year; but as far as the popular element was concerned it lost considerably by the change. It was clear that the Committee of Founders—the 12 Prelates of whom he had spoken—would, if not at the outset, certainly eventually, have the control of everything connected with the education to be conferred by the University. True it was that to the Senate which this Bill proposed to create would be entrusted an overwhelming influence in every department of the new institution. But of whom was this Senate to be composed?—of 24 persons; and of these 24, 12 were permanently and *ex-officio* to be the Committee of Founders, whilst the other 12—the other half—should have been nominated in a Schedule which was still a blank Schedule to this Bill! Whoever they turned out to be, on the occurrence of the first vacancy in their number, the new member was to be chosen by the Congregation of Graduates; but on the occurrence of the second and every alternate vacancy, the election was to be made by the Senate—that was to say, by the 23 members of the Senate whose seats were not vacant—in other words, by the 12 ecclesiastical *ex-officio* members, as against 11 of the other half of the body. Thus in the course of a few years the Committee of Founders would constitute a permanent majority of about

three-fourths of the Senate, and, in fact, absorb all the influence and functions of the Senate. The body, therefore, which was to control the new College was to be mainly composed of, or to be nominated by, the Roman Catholic Archbishops and Bishops of Ireland. Now, what would be the effect of introducing the new College into the University of Dublin under the conditions proposed by his hon. and learned Friend? It was not an ordinary case of a newly founded College being affiliated with Oxford or Cambridge. The proposal was to take a small College and connect it with a great one, on terms of complete equality, in the government of the University and all its studies. He did not desire to speak of the small College at all disrespectfully; he knew that amongst its Professors were men of eminence, and that it had an excellent school of medicine connected with it. He did not, therefore, speak in the least degree disparagingly of it, but he did say that it was simply ridiculous to compare it with Trinity College. How could the one be associated with the other on terms of equality? The Roman Catholic Prelates would consider, in the first place, what, in their opinion, was necessary for the protection of the faith and morals of their flocks, and by that rule they would direct the course of education. On the other hand, the University of Dublin did not shrink from investigation in any department of Science. Which section, then, was to have the control? It was not a question of introducing a non-sectarian College—a proposal which might be resisted on the ground of expediency—but here was a question of principle, and one which, in his opinion, involved a strict limitation of the higher education of the youth of Ireland. There was no probability that the new University Council would be able to agree about the Fellowships to be created, the course of studies to be pursued, and the various other subjects which they would be immediately called upon to discuss. But, apart from that consideration, the control which the Archbishops and Bishops of the Roman Catholic Church were to be allowed to exercise over the course of studies in the University was, in his opinion, sufficient to condemn the Bill. Two theories of education had prevailed

in Ireland during the last quarter of a century. One was in favour of mixed education, and the other in favour of sectarian education. These two principles were necessarily opposed to each other, and if brought together they must produce estrangements running through all classes. Rather than that they should thus be brought together it would—if the necessity for a new policy should ever be conceded on this question—be far better to establish a separate University. So far as he could see, the necessary effect of the Bill would be to condemn the University to an internecine feud. The authorities of Trinity College would be most eager to do all they could to promote the resort of Catholic students to that institution consistently with the principles on which it was now constituted. He might add, in conclusion, that he believed the figures of the hon. and learned Member, as to the number of Roman Catholic students in Trinity College, were not altogether correct. He was informed the average number from 1872 to 1876 was 122. If the hon. and learned Member went to a division he hoped the House would reject the Bill by a decisive majority.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. David Plunket.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. LOWE said, that ever since he took part in the disestablishment of the Irish Church and the disestablishment of Maynooth, he felt strongly that this country lay under a heavy debt to Ireland, which ought to be paid in one way or the other. They had withdrawn from that country a large sum of money, which, although they might object to the way in which it was expended, was nevertheless expended for public purposes. That being so, he felt then a great deal of anxiety, and the same feeling influenced him now as to how they might repair the injury which they then inflicted upon Ireland. The late Government attempted to do so in the University Bill of his right hon. Friend the Member for Greenwich; but as they had failed in that attempt, it was not likely that the experiment would be renewed. It was, therefore, with much

interest he had taken up the Bill of the hon. and learned Member for Limerick, whose great knowledge, practised ingenuity, and influence in Ireland, might have been expected to solve the question; but he felt bound to confess to a feeling of disappointment. Of the reasons which might be cited for this one appeared to him all-sufficing. The hon. and learned Member seemed to think that, after the disestablishment of the Irish Church and the withdrawal of the Maynooth Grant, the House of Commons, representing the constituencies it did, could be induced to devote a sum of no less than £440,000, and probably a good deal more afterwards, towards the foundation of a strictly Roman Catholic College. The thing was simply impossible, and therefore he would not argue whether it was wise or right or expedient, to accept this Bill. There was no power, he believed, to induce the constituencies of this country to consent to such a denominational grant for any purpose whatever. At all events, if they ever felt disposed to break the rule, it would certainly not be in favour of the Roman Catholic Church. The thing was so manifestly impossible, that but for the hon. and learned Member's evident sincerity, he could hardly have believed the Bill to have been brought forward seriously. The problem before them was how they could do something to promote education in Ireland and give it an impulse, and he thought it would be wrong to grudge a considerable sum for that purpose, provided they could hope to attain the end they had in view. He had always held that the question of education was just as much a question of abstract science and as capable of demonstration as any other branch of political economy. It appeared to him that when people wanted to do something for education, they always began at the wrong end—namely, by endowing teachers. But providing teachers did not at all make it follow that people would go and be taught by them; and, further, so far from the giving of handsome salaries to persons who were to teach, whether they taught well or not, promoting education, that was the way to put education to sleep. Therefore, what should be done was to work on the minds of the parents and of the young who were to be taught by giving them some motive beyond what they had

already to induce them to seek education. And when that had been done the problem had been solved, because persons were sure to spring up who would supply the article that was wanted, and supply it well. When the Indian Civil Service and the Civil Service of this country were thrown open to the competition of the best-educated persons who wished to enter them, it was never supposed that by that they were doing anything for education beyond picking out the best young men for the Services. But its effect on education had been very great indeed. That system of competition had re-acted on teaching in the most extraordinary manner, raising up a class of men who, without any endowment whatever, were able to teach what people wanted in the best way. These men were accumulating wealth, and he had heard of a "crammer," as he was called, who was making £11,000 a-year, which was much more than was ever made by a Professor at a University. Where did that come from? Why, the teacher was really endowed by means of the prizes which were given to the pupils—the money passed through the pupil into the hands of the teacher. If therefore they would hold out to the youth of Ireland handsome rewards for proficiency in knowledge of any kind that they chose to prescribe, they might trust to the efficacy of that process for calling into existence a system of education which would have the advantage over all other systems that could be framed of being spontaneous, and not being under the control of the Government, it would be free from all those heart-burnings which made the problem of education in Ireland, as long as it was provided by the State, an absolute impossibility. He suggested whether it would not be better at once to give up these unpractical notions with regard to providing money for the foundation of an educational institution in Ireland or elsewhere. If they were to take a system such as the late Government planned in 1873, minus the common system of teaching, to which it was then found impossible to give effect, would not that be a very considerable improvement on the present state of things? If they had an Examining Board, by which young men could be examined, and if those who passed with distinction could be provided with Scholarships or salaries adequate

to enable them to defray the expenses of education wherever they choose to seek it, and if they underwent another examination after a certain period corresponding with that for the Bachelor's degree in our Universities; and those, again, who distinguished themselves received "idle Fellowships," as they were called, for a certain number of years—if that were done with sufficient liberality, and those prizes were open to all Irishmen, without distinction of creed or position, they would have done not all that could be wished, but something valuable towards stimulating education in Ireland without any interference of the Government, and without raising any of those burning questions of religion and of race with which it was impossible to deal; while the wants and wishes of mankind themselves would, in the way he had indicated, call into existence a sort of voluntary University to give the education which people required. He, therefore, threw out for the consideration of Irish Gentlemen the suggestion that pupils who distinguished themselves should receive prizes which would make it worth while for persons who were competent to teach to organize themselves spontaneously in bodies, and then pupils would naturally go where they thought they would be best off. Thus they would obtain the best teachers who could be got, and he had no doubt there would be an emulation among them which would greatly raise the standard of teaching.

CAPTAIN NOLAN said, he thought the proposition of the right hon. Gentleman (Mr. Lowe) would not be altogether unacceptable if the people of Ireland could not get anything else, but they would object to it under present conditions. What the right hon. Gentleman proposed was a Grand National Handicap, in which the Catholics, who were three-fourths of the people of Ireland, were to be enormously handicapped by Trinity College and the Queen's Colleges. For the next three-quarters of a century the Catholic literary talent in Ireland would be nowhere under the scheme sketched by the right hon. Gentleman, because it would allow Secularists and Protestants to retain the advantages which they had in the Queen's Colleges and Trinity College, and then to compete for open prizes with Catholics, who would have no correspond-

ing means of being trained for the competition. They could not divide the people of Ireland into two classes—the literary and the land proprietary class—because between them an intermediary line should be drawn, taking in those who went to a University, not knowing whether in the future they would have to work for their own living. The right hon. Gentleman quoted the case of the Indian Civil Service, and that he (Captain Nolan) believed to be the most successful instance of competitive examination. The right hon. Gentleman quoted an instance of a successful teacher making £11,000 a-year, and had said that successful institutions would spring up in Ireland if only sufficient time were given. He (Captain Nolan) did not know the precise teacher alluded to; but about eight or ten years ago he did know a teacher who corresponded to the description given, and he was said to pass one-half of the men for the Indian Civil Service. The special portion of that education did not take long; but he would ask if it would be for the benefit of the moral and religious training of their sons to send them, say for two or three years, to join in learning where no religion was taught? That was the scheme proposed by the right hon. Gentleman, instead of that of the hon. and learned Member (Mr. Butt). They would endeavour to have a College or University for themselves, where the sons of the Roman Catholics could obtain the best teaching in science and literature with a proper amount of care for their morals and religion. The speech of the hon. and learned Member for the University of Dublin (Mr. Plunket) was that of a man who desired nothing beyond the education of the Protestant youth of Ireland, the Roman Catholics to submit themselves entirely in this respect to Protestant control, and, in short, to give up all claim to free and equal treatment in educational matters. The real difficulty of Catholics was in the teaching at Universities, and one who took an interest in science found that the teaching of geology and other branches of science was supposed to have an important bearing on the fundamental teaching of religion. It was often not merely a question between Catholics and Protestants, but there were teachers of science whose object it was to eliminate all religion from

Ireland. That was the real foe they had to contend against in the future. A young man who had got old traditions of religion without having studied its controversial aspects was very likely to be led away by a teacher of geology, or natural history, or chemistry, who could show that these were facts entirely opposed to his religious belief. He did not deny that there were secularists who were moralists in the highest sense and good citizens, and who had brought up children to follow in their footsteps. But it was different in the case of a young man who had been taught as a child the Christian religion; for if he was left in a College without any one to look after his religious life he would probably become immoral, when the reason assigned him in childhood for being moral had been vanquished. The Queen's Colleges in Ireland had been practically rejected because there was a belief that if science was taught without religion they not only destroyed the religion of the young men but their capacity for becoming good citizens. The only useful purpose which the Queen's Colleges served was to teach medical science, in which he believed they had been very successful. Trinity College, Dublin, to a slight extent, was accepted by Catholics. He had no complaint to make as to attempts being made in Trinity College, Dublin, to tamper with the religion of Catholics, but he did complain that so small a number of Catholics went there. It appeared that, in proportion to the population, 30 times as many Protestants as Catholics received a high education in Ireland. Was that because Catholics did not like a University education? Not at all. In the classical schools in Ireland there were about 5,000 Catholic pupils and about 5,000 Protestant pupils. The reason of the great difference between the number of Protestant University students and that of Catholic University students was that there were endowments for Protestants and no endowments for Catholics. Private enterprise could establish secondary schools for the children of wealthy parents; but there had been no instance, even in England, of private enterprise being able to provide University education. It was not fair, therefore, to expect that this should be done by the poorest part of the population of the Kingdom, and that was the reason why State assistance

Captain Nolan

was asked for. They did not wish to put any taxation upon the State for the purpose, and the Bill of the hon. and learned Member for Limerick did not ask for any such contribution; but there was a sum of £5,000,000 due to Ireland from the old Established Church, which was originally Catholic, and they asked for 10 per cent of that to be devoted to Catholic University education. It would be an advantage to the Empire to have its intellectual wealth increased by the extension of a University education to a large class who up to the present time had not been highly educated. He acknowledged that the Protestants in Ireland were wealthier than the Catholics, but it was absurd to suppose that they were 30 times as rich. The reason of the enormous disparity between the number of the Protestants and that of the Catholics who received a good University education was very simple: the people of Ireland did not wish their children to lose their faith and morals by being in an indifferent and secular University. At present the Catholics declined to avail themselves of the Queen's Colleges because they were purely secular, and for the same reason they could not fully avail themselves of the advantages of Trinity College, because for Roman Catholics it was very nearly secular. The result was that a Catholic had no choice except to go to a thoroughly secular College or to one which for him was very largely secular, or to dispense with the University education altogether. He believed that if we founded a College which would receive the support of the whole Catholic clergy and of the Catholic laity it would draw in a large number of the Catholic population. This Bill would still allow the Protestants to mix with Catholics, and would place them in a fair position with regard to each other. It was said that it was good for the Catholics to mix with the Protestants, but under the existing system only one-thirtieth of the Catholics had an opportunity to mix with the Protestants. The principle of mixed education, therefore, came to this—that to enable a few Catholic students to mix with the Protestants the large proportion of Catholics were excluded from education. He believed that the opposition of the right hon. Member for the University of London (Mr. Lowe) proceeded from two reasons—first, his theory of an

Examining Board; and, secondly, to a certain soreness which existed on the front Opposition Bench in consequence of their defeat upon the question of Irish University Education in 1873. He (Captain Nolan) and those who thought with him were in favour of perfect freedom of education; but what they contended for was that without endowments it was impossible to have University education. It was only by establishing a Catholic University that a fair share of education could be secured for the Roman Catholics of Ireland. In these circumstances, he should support the second reading of the Bill.

THE O'DONOGHUE: Sir, in the few words that I have to say I shall go straight to what I conceive to be the point of the subject we are now conducting. The Bill of my hon. and learned Friend the Member for the city of Limerick (Mr. Butt) seeks to place the advantages of University education within the reach of the Catholics of Ireland. With this object he proposes that the Queen may be graciously pleased to charter, and the State adequately to endow, a College under the direct control and constant supervision of the authorities of the Catholic Church in Ireland. This is, shortly, the aim and scope of the Bill of my hon. and learned Friend. I imagine that if there is anyone ignorant of the history of the connection of England and Ireland that he would at once ask, in the first place, Is it possible that the Irish Catholics do not enjoy the benefits of University education; and, in the next, that he would inquire however this come to pass. Sir, as a Catholic, I will tell him that it is perfectly true that the Irish Catholics do not enjoy the benefits of University education, because the State persistently refused to recognize an educational body in Ireland, essentially Catholic in its constitution. It was owing to the adoption of this policy that the hostility of the people of Ireland has been excited to the different measures dealing with the subject which have been introduced into Parliament. All these measures have indicated an intention to weaken the influence of the Roman Catholic Clergy over the people; but it will be for the Government and for Parliament to see that the enemy of revelation and of faith is not allowed to enter into the minds of youth under the guise of learning. I believe that the

Bill of my hon. and learned Friend proposes to recognize this claim, but it also proposes to give it the official recognition—the legal stamp—the absence of which has hitherto proved a grievous impediment to the progress of University education; and, believing this to be the case, I am able to give the Bill of my hon. and learned Friend my most earnest support, without fear of being contradicted by anyone who has the slightest title to speak. I lay down the proposition that the Catholics cannot conscientiously promote any system of education, and, least of all, any system of University education that is not under the direct control and constant supervision of the ecclesiastical authorities of the Catholic Church. There have been two courses open to the State to follow—one plainly indicated by the spirit of justice and toleration, which, if it had not its source in the true spirit of justice, might have sprung, one would have thought, from habits of long association; the other course pointed out by the spirit of sectarian and national antipathy, of intolerance rendered more intolerable by the arrogant pretence that it was the intolerance of truth, of virtue, of a desire to save those whom it cruelly oppressed. Unfortunately, in due conformity with the perverse disposition of human nature, the latter spirit prevailed and prevails, and the result has been, and is, the denial of University education to the Catholics of Ireland. When the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) introduced his Bill for the settlement of the Irish University question I saw at once that it did not meet the requirements of the case, inasmuch as it did not recognize the rightful position of the Church in the matter. I saw with disappointment that it was a trimming measure, originating, no doubt, in a desire to do for us as much as it was thought the intolerant spirit of English and Scotch Radicalism would permit. There was a predisposition to consider favourably every proposal of the right hon. Gentleman. He had disestablished the Irish Protestant Church. He had practically disendowed it. He had, in a certain extent, disbanded it—that is, he had rendered it difficult to know when or what it was as an aggressive body. His policy had destroyed it by developing a curious and insatiable mania of internal controversy, which was gradu-

ally weaning away that principle of cohesion without which a Church cannot exist, and which is quite incompatible with the assertion of the right of every man to have a religious theory of his own. He had also carried a grand measure of land reform, and in so doing had established principles of incalculable value upon which, still, reforms are to be built up. But in all this I saw no reason why we should accept an inadequate Bill, a bad Bill, a Bill manifestly framed, not upon the first principle of giving us our rights, but of giving us such a modicum of them, and giving us that modicum in such a roundabout way, as would not irritate by wounding the religious susceptibilities of the frequenters of conventicles and tabernacles in England and Scotland. In every relation of life I felt myself aggrieved as a Catholic, as a teacher, and as an Irishman, that strangers should assert a right, and that right should be recognized by a Government professing to govern Ireland justly—that strangers should assert a right to decide the character of the education that I was to give my children at the most critical moment of their lives. I desire that my sons should have the advantage of a University course; but as I desire, before all things, that they shall be Catholics, I wish their University course will be under the control and supervision of the authorities of the Church. The Dissenters of England and Scotland are kind enough not to object to our calling ourselves Catholics; but as the Dissenters of England and Scotland wish to make Catholics that will reject the infallibility of the Pope, that will deny the Divine mission of Bishops, that all think it fair to talk about priestcraft, the Dissenters think the best way to do this is to withhold from us a University system subject to ecclesiastical influences. You are always boasting of being the friends of civil and religious liberty; but while you are talking and bragging in this way, you are inflicting on Catholic Ireland disabilities in that all important matter of education to which she has to submit for conscience sake, and which it taxes her patience to the utmost to endure. Then, Sir, when I saw the right hon. Gentleman lacked either the will or the courage to do us full justice, I gave his Bill every opposition in my power. I opposed it in my

place in this House; I opposed it in the Lobby; I opposed it wherever its merits were the subject of discussion; and I flatter myself I materially assisted to throw it out. When some of the Bishops wrote to me to know if the Bill could not be amended, I answered that it could not; that, Sir, at the time I was writing, all that was good in it had been sacrificed to anti-Catholic bigotry. To those who counselled expediency I replied that the days of half measures were gone; that the Representatives of the Catholics were here in full force; that we did not now owe our position to the force of landlords, but to the free votes of the people, who were sound to the core on this question; and that we should go for the full measure of our educational rights—that is, for a system of University education that was thoroughly Catholic. I recommended that we should seek the alliance of all those who would join us in opposing the anti-Christian feeling that sought the overthrow of all ecclesiastical authority—the spread of godless education. Well, Sir, as the Bill of my hon. and learned Friend does propose to give us a thoroughly Catholic system of University education—as it is exclusively framed with a view to meet the wishes of the fathers and mothers of Catholic Ireland, without any reference to the religious vagaries of those whose interference in the matter at all is a most unjustifiable aggression upon our most sacred rights—I come to its support with all the ardour with which I hastened from Ireland to oppose the Bill of the right hon. Gentleman the Member for Greenwich. The first Schedule of the Bill contains the names of the trustees to be incorporated as the Committee of Founders of the College. I find the name of the Most Eminent and Most Rev. Paul Cardinal Cullen, D.D., Roman Catholic Archbishop of Dublin; that of the Most Rev. Daniel M'Gettigan, D.D., Roman Catholic Archbishop of Armagh; that of the Most Rev. Dr. MacHale, Roman Catholic Archbishop of Tuam; that of the Most Rev. Thomas W. Croke, D.D., Roman Catholic Archbishop of Cashel. Then follow the names of several other Roman Catholic Bishops. Sir, these names are a sufficient guarantee to us that in this institution religion and learning will go hand-in-hand. There cannot be a doubt

about its being essentially ecclesiastical and Catholic in its constitution—"priestly," if you will. I anticipate hearing, by way of a reproach to our intelligence and our manhood, that we were and are to be priest-ridden. I have heard this before, but I never notice it, though I always regard it as a most offensive and gratuitous piece of rudeness. I would no more think of explaining and justifying the sentiments that unite us to our priests than I would think of explaining and justifying the filial sentiment that binds our families together. I say with pride that Ireland is for and with her priests; and it is in order that she may continue to be for and with them that we who are responsible for the legislation of our day are resolved that she shall have a system of University education such as that proposed in the Bill of my hon. and learned Friend. There is one thing, at all events, upon which we are agreed—that a University education may be very useful for the purposes of life. Some hold that a man is worth nothing who has not gone through a University course; others, indeed, hold that it is not every man who has the capacity to derive any extraordinary and exceptional advantages from a University course. I have heard them maintain that when men of small brains ascend into the higher regions of study that they become mere thinkers—that is, inventors of puzzles for themselves and everybody else—and that they afterwards infest society in the shape of prigs. Some go so far as to argue that every man in the community should have a University education. This, however, seems to me to be going much too far. I see nothing derogatory to the reputation of our agricultural labourers in their confounding the science of nature with the very useful physics that are to be found in the local dispensary; or in their being entirely ignorant of the reasons that made vegetarians of the Pythagoreans; or of the speculations of certain other philosophers as to the gyrations of the planets, as to what the sun, moon, and stars portend in various conditions of obscurity or vividness; for our complaint is not that your anti-Catholic prejudices have kept us in complete ignorance of the higher branches of knowledge, but that your prejudices stay us in the pursuit of those higher studies; that we have a

right to the advantages you confer upon others; and that you withhold from us that official recognition, that legislative stamp which confers upon University education its value in the estimation of society, and enables a man to utilize to the very utmost his superior attainments. To my mind it is only in the matter of University education that we have a very substantial and very grievous charge to bring against the Government. In every essential particular the primary schools are Catholic; vast numbers of the patrons are priests; the schoolmasters and schoolmistresses are all Catholics, who frequent the sacraments, who say the Rosary, who teach the Catechism in an admirable manner, and who would, I am confident, rather die than by word or deed call in question or in any way disparage the articles of faith or the practices we reverence and love. It is true that we are not permitted to hang upon the walls of our primary schools these emblems of our faith we hold dear; but as we know they have already been impressed upon the foreheads and hearts of the children by a mother's hand and a mother's words, and generally form the sole decoration of the peasant's home, this is not a point about which we deem it necessary to quarrel with you. I am convinced there is not a parish in the South, Centre, East, or West of Ireland where the presence of a schoolmaster or mistress who availed themselves of their position to circulate opinions at variance with Catholic teaching would be tolerated by the people for a week. The schools of the Nuns and Christian Brothers are of course all that could be desired for the purposes of intermediate education. There are the diocesan seminaries, and the Colleges throughout the United Kingdom, to which the children of the middle classes of the gentry—of all those, in fact, who can afford to spend somewhat largely in education—are exclusively sent, and, mark! they are all under ecclesiastical management. These latter institutions may be said to combine the primary and intermediate systems. The House, I think, will see in a moment that there is nothing irrelevant in my directing its attention to the circumstance that the primary and intermediate schools which the fathers and mothers of Catholic Ireland, of all classes, select of their own free choice, and to which

only they will send their children, are under ecclesiastical management. My object is that you should draw the inevitable inference that the fathers and mothers of Catholic Ireland desire for their sons a University system under similar management. It is preposterous to tell us, because incredible, that you think that we wish for a breach at the very culminating point of the well of knowledge. There is impregnable testimony that we wish the education of our children to be completed subject to the influences under which it began; and it is for you to reconcile, if you can, with justice, with principles of equality, and of the due exercise of our parental authority, your withholding from us a University system we conscientiously approve, in order to force upon us one you yourselves prefer. What you are doing amounts purely and simply to an attempt to supersede us in the management of our children. My hon. and learned Friend who moved the Amendment (Mr. Plunket) not unnaturally puts forwards the idea that we ought to be satisfied with Trinity College. Over and over again we have shown that we cannot be satisfied with it, but he still perseveres in his view, as if he thought we did not know our own minds. But few Catholics avail themselves of Trinity College. Some bodies agree in disliking us as Roman Catholics, and their principal bond of union is hostility to all ecclesiastical authority. As those sentiments can have no place in the minds of hon. Gentlemen opposite, I turn with some confidence to them, and I can say, speaking for myself as a Catholic, that I never shall be found amongst the assailants of the honour or emoluments of the Episcopal Church of England. I also have confidence in the great mass of the English people, arising from my firm reliance in their love of justice and fair-play. I will only ask them, now that they can read, to turn to history, and learn from their own Protestant historians—from Hume and others—that when the State conferred wealth and power upon the Roman Catholic Church, that her wealth she distributed amongst the poor, that her power she used in their defence. I will then ask them to close the book, and see with their own eyes, if now, when she has neither wealth nor riches, when her position, fortunately, places her

above the suspicion of being actuated by selfish considerations, her ministers are not as eager to be at the side of the poor man in all his struggles and trials as in the days of her wealth, and station, and authority? We, on our part, are anxious faithfully to discharge all the duties of citizenship. I fearlessly assert that in all the wide range of Her Majesty's dominions there are no more loyal citizens than those proposed to be incorporated by this Bill as the Committee of Founders of this Catholic College; that are loyal to the Throne from their profound veneration for the great principle of Monarchy; that are loyal to your institutions, from their convictions that they are better calculated than any other to contribute to and ensure the happiness of mankind. I shall conclude by reading a few words delivered from the pulpit of the Catholic pro-Cathedral of Dublin on the occasion of the celebration of O'Connell's centenary. That audience was completely representative of the Catholicity of Ireland. All the Archbishops and Bishops were present, together with representatives from all the municipal and corporate bodies and every section of society. The preacher said—

"I beg of you to look at our position as Irishmen and as Catholics to-day. As Irishmen we all stand on the same platform of the law. The masses of our people are being educated mostly, it is true, under a State system, which, though far from being all that can be desired, has in many respects and in various localities been eminently useful. The foreign Church has been humbled, the rights of the occupiers of the soil have to some extent been recognized. Other minor advantages have been secured, and we are fast working ourselves into that position of equality and independence which every subject should occupy under the protection of what I am not afraid to designate as the best balanced Constitution in the world. As Catholics we have every reason to be proud."

These are the words of the Most Rev. Thomas W. Croke, Roman Catholic Archbishop of Cashel, one of those proposed by this Bill to be incorporated as one of the Committee of Founders of this Catholic College. These words are endorsed by the whole of the Catholic hierarchy, and yet, Sir, the State refuses to commission them to educate the youths of Ireland. Why is this? Their loyalty you cannot doubt; their virtue you do not impeach. With the best of you they are prepared to enter the lists as scholars. Why, then, do you refuse to place them

in that position for which they are so pre-eminently qualified, and which our unqualified trust calls upon you to confer upon them? I blush to have to mention the reason—it is because they are Archbishops and Bishops of the Catholic Church. This is conduct that sorely tries those who advise the Irish people to have faith in the Imperial Parliament. When challenged on this question I hang my head with shame, and have nothing to say but that I cannot bring myself to believe that from mere prejudice the Parliament and people of England will persevere in a policy of injustice. I shall give my vote for the second reading of this Bill.

MR. ERRINGTON: Mr. Speaker—It is very often said that Irish questions, and consequently Irish Members, occupy a somewhat undue share of the time and attention of the House. I think it is important to consider for a moment the exact meaning of this; for it must mean one of two things. Either it must mean that, in the opinion of this House, and of the public out-of-doors, there really is not at present in connection with Ireland any question of such vital and immediate importance as to justify us in pressing ourselves as we do on the attention of the House; or else it must mean that, no matter how urgent or important Irish questions may be, the House has neither the time, nor the inclination to devote itself to them. Now, let me at once, for my own part at least, entirely repudiate the latter interpretation. I have not long had the honour of a seat in this House; but even a shorter time than I have been here would have been enough to convince me that the House is always ready and willing to consider Irish questions in the fairest and most friendly manner. It must then be the case, that after all that has occurred, after all that has been said and done for years, in Ireland and in England, in this House and out of it, in the public Press, and through all the various channels by which the feeling of a nation is expressed, this country has not yet realized the fact, that the question of Education, and especially University Education, is, as regards Ireland, one which admits of no further delay; that it cannot continue for ever to be bandied about from Party to Party, to be treated year after year like some second or third-rate administrative measure, a Bankruptcy, or a

Valuation Bill. But if this is so, if the importance of this question is so little understood, can we who come here under the heavy responsibility of knowing what it really is—that it affects not only the present and future of our own country, but also, and most materially, the interests of England as affected by its relations with Ireland—do otherwise than, fulfilling the pledges given to our constituents, press this question by every means in our power (every fair means of course) on the attention of the House? and the more so when, as I have observed, so many of us believe, that it only requires to be fully known and understood here, in order to obtain immediate redress. Surely no stronger justification than this is needed for the way in which we have urged—and in which, I say it plainly, we must continue to urge—this matter until the necessary redress is obtained. Sir, within the last two months the right hon. Gentleman the Member for Greenwich, in one of those addresses to which his great eloquence and great position give a national importance, spoke at some length on the condition of Ireland; and in a tone rather of sorrow than anger alluded to the want of appreciation and gratitude we in Ireland had shown for the various measures he and his Friends had in late years passed for our benefit. I merely mention this as one of the few points on which it is a pleasure to me to differ from, and even to contradict, the right hon. Gentleman. I can assure him he is quite mistaken in thinking that his measures of redress have not been most gratefully appreciated in Ireland; and let me say they are none the less so, because he did not succeed in doing all we hoped he would do, and all he tried most fairly and loyally to do. Our gratitude, let me add, is entirely disinterested, it refers to what has been done, and it is not, as gratitude is sometimes defined, a lively expectation of future favours. Why, daily we feel more and more how much we owe to these measures and to the right hon. Gentleman who carried them. Within the last fortnight we have had a striking illustration of their effect. The 12th of July, the great Orange anniversary, so long the occasion of shameful scenes of riot and bloodshed, has this year passed off with entire tranquillity. It was, as usual, celebrated with the flying of flags and the beating of drums; in fact, as

usual, with all the pomp and circumstance of glorious war; but fortunately, and most unusually, without any of the other accompaniments of war. The reason of this is so fairly and so admirably put in a few lines in *The Times* of the 14th, that I venture to quote them, and the more so as they are from the pen of one whose judgment and knowledge of Irish matters are well known. The writer, after stating that the celebrations passed off quietly, says—

"This result was not due to any disposition on the part of the Roman Catholic population to regard the demonstrations in some places as too insignificant to be worthy of notice, and in others as too formidable to be attacked with impunity, but rather to the influence of their clergy, and the abatement of sectarian rancour, which is more bitter in a subject race. With the consciousness of power derived from the possession of equal rights and privileges, with a preponderance of numbers even in 'the Protestant North,' they can afford to look with equanimity, if not a generous indulgence, on displays which were exasperating so long as they were regarded as the triumphs of an insolent ascendancy. They are now divested of this character, and are looked on as having little more significance than mere holiday pastimes. Orange flags floated from the steeples of many churches, and even private houses were festooned with lilies."

Sir, I would ask—Could the right hon. Gentleman have hoped for happier or speedier results of his legislation? And if these are the results of a partial redress of our grievances, what may we not fairly and reasonably hope from that more complete redress for which we have so long prayed, and for which we are now once more Petitioners to Parliament? In the Birmingham speech to which I have alluded, the right hon. Gentleman, after glancing at certain Parliamentary incidents doubtless in the recollection of most hon. Members, and which he termed, I think, "little inconveniences and secondary evils," went on to speak in these remarkable terms of the condition of Ireland. He said he had an—

"Undoubting and cheerful confidence that the Union of these two countries may be said now to rest on something like a firm foundation; and the aspect which they will present to the world will be no longer one open to ungenial criticism, but one which, on the contrary, will draw from every enlightened foreigner the admission that we endeavour in our legislation, and in our institutions, to secure justice to all, and to give to every man, so far as depends on us, the means of the healthful, beneficial, successful employment of the faculties with which God has endowed him."

These, Sir, are noble words; they seem

Mr. Errington

to me singularly applicable to the present question, and they are so eloquent as almost to delude us into the belief that they are actually being realized. I only wish they were. I fully admit the force of the appeal the right hon. Gentleman makes to foreign criticism; no one values more than I do what a Scotch poet calls the fairy gift—"To see ourselves as others see us;" but I take liberty to question whether the enlightened foreigner appealed to would take this very *coulour-de-rose* view of the situation. Why, I will suppose him here present this evening, seated in that Gallery opposite you, Sir. I would suppose him to be fairly conversant with the general state of the question; I would suppose him to know that all parties are unanimous as to the necessity of some sort of University education for Ireland; I would suppose him to know how earnestly and how anxiously the people of Ireland have long been praying for this education, but praying to have it under the only conditions under which they can or ought conscientiously to avail themselves of it; I would suppose him, last but not least, to know that to grant what they ask would not cost the British taxpayer one sixpence. Well, I venture to think that after listening to this debate, the enlightened foreigner would be somewhat puzzled; he would be inclined to ask some such question as this—"How is it that the English House of Commons, which not only has the reputation of being one of the most enlightened and liberal-minded Assemblies in the world, but has given proofs of this in its recent legislation for Ireland, hesitates so long to complete the redress it has begun, by concessions apparently so just, so all important to Ireland, so easy to England to grant? What is the mysterious cause, the secret difficulty, which hinders the accomplishment of this redress?" Probing the question to the bottom, and passing over side and irrelevant issues, this is the answer he would at length reach, and it is, I am convinced, the real root of the question. He would be told—"We have laid down for ourselves a rule that in future no public money shall be granted for any purpose which can by any means be construed as favouring or supporting religion, or any form of religion; this rule suits the present tone of our public opinion, and we are determined to force it on the people of Ireland,

although we know it entails consequences abhorrent to the whole spirit and conscience of that nation, and that it offends and insults their most cherished and most respectable convictions." I think, Sir, that enlightened foreigner would return to his country a sadder, if a wiser man; sadder to think that no amount of fairness or generosity shown in the ordinary affairs of life, will guarantee that even common justice or common prudence will prevail when these questions come to be complicated with religious considerations. For we have it here—a rule purely speculative, which from the nature of things never can be demonstrated to be right or wrong, is to be forced on us in matters of the most practical and gravest importance and obligation; and this although we have just as much right, and are just as likely to be right, in considering that rule injurious and wrong, as you can possibly be in thinking it beneficial and right. I never like to use strong words, for they do not advance an argument; but I cannot help feeling very strongly on this point. It does seem to me so intolerant to force a mere opinion on those who differ from it when the question is one of the most practical and conscientious obligation perhaps in this world. I believe the intolerance of this will one day be recognized, and that then, as we, when we read history, look back with wonder at what we call the intolerance of our ancestors, so will those who come after us wonder, and, perhaps, with more reason, considering our greater enlightenment and civilization, that even in this 19th century, and in this country of so much real freedom, that in religious questions we could not rise above the pettiest and most miserable jealousies. People often talk of governing Ireland according to Irish ideas. I never liked the expression, because it suggests the absurdity that Irish ideas of justice and right are different from those of the rest of the world. What, of course, it really means is, that Ireland ought to be governed by laws suited to the circumstances of Ireland. We ask you, in fact, to govern Ireland as you would have governed England, had the conditions of England been similar to those of Ireland. This has been done, to a certain extent, in secular matters. The land laws of England, if any laws, were deeply rooted in the institutions of this country, so much so as al-

most to have the sacred character of the proverbially unchanging laws of the Medes and Persians; yet when a liberal-minded Assembly came to realize that those laws, however suited to this country, were entirely unsuited to the conditions of Ireland, they were modified to suit Ireland, with the happiest and most promising results. When the same principles of justice are allowed to prevail in questions affecting religion, then the redress for which we ask will be complete. When England not only admits grudgingly the fact that Ireland is Catholic, but is prepared frankly to recognize that she must remain so, and that she should be allowed to develop herself fairly according to her Catholicism, as England is allowed to develop herself according to its Protestantism; then, in the words I have quoted, the union of these two countries will rest on something like a firm foundation, and will need no Coercion Acts to defend it against disaffection and disloyalty, which will then no longer exist. Sir, I wish I could hope that this would be the last debate on Irish University Education we may ever have to listen to. I know, of course, that under no circumstances can the Bill before us become law this year; it will, however, have done good service if it has helped to bring home to English and Scotch Members, and to the Leaders of Party, that justice and expediency both demand this question should be settled once for all, and disposed of. Let me say also that while recognizing the great ability with which this Bill has been drawn, and while perfectly willing to accept it as a solution of the question, I am not prepared to maintain that it is the only possible solution, or even the best that could be devised. On the contrary, I see many difficulties in its way: I see it array against itself the opposition of one most formidable body. If, then, other plans are proposed by which these difficulties and oppositions can be diminished or obviated, we ought to consider them, and I should do so in the fullest and fairest way. I know it is often said that this question is of so ticklish, so dangerous a kind that no prudent Minister would venture to touch it. Sir, the danger—if danger there is—is not in touching the question, but in leaving it so long and so hopelessly unsettled. It is now ripe for solution, and I am convinced that in the present state

of feeling, a Minister needs only the courage to approach it, in order "from the nettle danger to pluck the flower of safety," and this not only for his country's benefit, but especially and pre-eminently for the benefit of his Party. No one who knows the right hon. Gentleman the Chancellor of the Exchequer will suggest for a moment that, in considering his course on such a question, he would be governed entirely by Party interests; at the same time, we all know that, in addition to higher motives, he would have to give due weight to Party considerations. Under these circumstances, then, if we have convinced the right hon. Gentleman—or if, as I cannot help thinking, he has long been convinced—that to settle this question would be a great act of justice, as it certainly would be one of the most statesmanlike expediency, I feel that I can appeal to him in the interests of his Party, although I do not belong to it, as well as in the interests of his country and of mine, to give us this evening some assurance that this question shall have his early attention, and that he will, by dealing with it, help to bring about the reality of those eloquent words I have already quoted—

"That we endeavour in our legislation and in our institutions to secure justice to all, and to give to every man, so far as depends on us, the means of the healthful, beneficial, successful employment of the faculties with which God has endowed him."

MR. A. MOORE: Sir, at this late period of the Session many will, doubtless, feel reluctance in opening this great and difficult question, and were it not of transcendent importance, the House would not now be easily moved to consider it. The position of Irishmen, as regards University education, we were told three years ago by the right hon. Gentleman the late Prime Minister is "bad," "scandalously bad;" but what are our feelings when we turn to the Report of the Census Commissioners, published last year, and we find that we are actually in a state of retrogression? They tell us that of the whole population of the country only 24,170 persons are in receipt of superior education. Now, this superior education includes all of both sexes, from the little boy of 10 or 12 years of age who is wearily turning over the pages of his Latin grammar, or the young girl who is learning her first

words of French, to the student of metaphysics or higher mathematics; but unsatisfactory as these figures are, we are further told that they indicate a decrease upon the figures of the previous decade. We are further told that during the same period (1861 to 1871) 155 intermediate schools have closed. These figures are not very encouraging; but if we turn to England for a moment and consider the generous efforts that have been made of late years in the cause of education, our feelings of anxiety are intensified to exasperation. In 1866 there were 600,000 children in the Government schools of England; now there are 1,800,000; the average attendance during the same period has grown from 1,000,000 to 2,000,000. I mention these figures to show the energy with which the cause of education has been pushed forward in England; and if we turn to Scotland we find still greater efforts—four Universities for 3,000,000 of people, all thrown open to all comers, and giving all a chance in the battle of life. And now, Sir, what is our own position? We, too, have Universities and Colleges, and schools of Royal foundation, endowed schools, and free schools belonging to various societies, and many of them richly endowed, and still the result is most miserable. The reason is not far to seek. All these treasures of learning are offered to the Irish Catholic at the price of what is far dearer to him—his truest conviction. That the Irish will never accept any system other than denominational is perfectly certain; and if proof be required of it, abundant proof may be found in their continued abstention from Trinity College and from availing themselves of the Queen's Colleges. In the former, Catholics attending lectures during the years 1870 to 1873, for which I have calculated, were about in the proportion of 1 to 8. As regards the Queen's Colleges, we find in them, in some instances—take, for example, the Queen's College at Belfast—less than 3 per cent Catholics during the same period. Again, look at the enormous amount collected in private subscriptions to sustain the Catholic University established by the Bishops, amounting to something over £200,000; but more than this, the Irish people have left no stone unturned in their efforts to impress upon England and upon this House their unswerving in-

Mr. Errington

tention of accepting only a purely denominational system. Over and over again this earnest desire has been expressed by Petitions and by public meetings. It has been made a test question with Members seeking admission to this House. Nor is this merely the feeling of the lower orders, for in the year 1870 my hon. Friend the Member for Roscommon (The O'Connor Don) was entrusted with a Petition of the same purport, signed by 960 noblemen and gentlemen. But if arguments were wanting to establish my point, we need not go further than the National system, which was instituted on a perfectly secular basis, and has gradually merged into a purely denominational system. And now, Sir, if, as I feel sure is the case, you are convinced upon this point that only a denominational system will be accepted by the great bulk of Irishmen, it seems to me, Sir, that you must ask yourself this question—not whether we are right or wrong, so much as whether such being the case, it is wise or politic in you to refuse higher education altogether, merely because you cannot agree as to the basis of that education. The Irish people are most anxious for University education; they know their own deficiencies in this regard, and they lay the blame upon you. They are most anxious to raise the standard of education throughout their country. They know well that no nation can be great or prosperous which is not educated; and they all know well there are no shackles so strong and no fetters so tight as those forged by ignorance; and they believe that in the past your policy was to keep them in darkness and ignorance, that you might more easily hold them in subjection; and some there are who, perhaps, still think that in the present hapless plight of higher education in Ireland there lingers still a trace of that same narrow policy. I appeal to Her Majesty's Government to take this question in hand, and to come to our assistance with a generous though tardy measure of justice. How can they, themselves Denominationalists, refuse to us what for themselves and their children they insist upon? Even while we are talking time is speeding on, a generation is passing away, and thousands of careers are being thwarted and blighted in the bud. The loss to Ireland is not a pecuniary loss, which is easily made

good. It is a loss which none can repay—time itself. The effects of this measure are beyond calculation. I believe it would result in a great accession of strength to the Empire. Only education can conquer prejudice. And I believe that under a fair system of higher education many of the prejudices of centuries would disappear. Irishmen would see the hopelessness of revolution and the necessity of union. I believe, Sir, it would result in the more efficient administration of justice. Centuries of misrule have caused the Irish peasant to look upon the law as his natural enemy, and to shield the criminal even in cases where he detests his crime. Education would teach him that the law is only the arm of society raised in self-defence. But far above these results I look for a fresh accession of strength to the national life in the uniting of all Irishmen in one mind and one purpose, for the welfare of their country—a union only to be looked for on the firm basis of equal rights and privileges—a union impossible as long as the great mass of the people labour under grave civil disabilities; but remove this one last link in the chain of ascendancy, and I believe the result will be a prosperous and united people.

MR. WHALLEY said, the question was—Was history to be entirely forgotten in this matter? When Gentlemen, speaking on behalf of the Catholic Church, talked of education, what they meant was to prevent secular education, the emancipation of the mind, invariably attended with some loss of the ecclesiastical authority which was the most damaging to national and social interests. Notwithstanding all the concessions which had been made to the Roman Catholics of Ireland, their disaffection had increased; and not satisfied with all they had obtained, the heads of that Church were now demanding full control over the higher education of the country. Hitherto they professed to be content with claiming equal civil rights, which had been granted them; but they were now claiming the public money for the purpose of carrying out the object which they had in view in connection with University education. He hoped the Government would maintain the bulwarks which our ancestors had erected, and the grand results which they had secured not only for this country but for the whole world. He gave

his most determined opposition to the present Bill, though he feared that opposition would prove ineffectual.

MR. O'REILLY said, if the hon. Gentleman who had just sat down were to be regarded as an enlightened example of the education which he advocated and would enforce on others, he trusted that his (Mr. O'Reilly's) children would be spared from the blighting, dwarfing, and stunting influence which had produced such a result; and that some accurate knowledge of the truth of history might save them from an ignorance which was almost inconceivable, but which must be genuine, for he thought nobody possibly could feign it. The present Bill was a proposal to deal with a problem which had occupied the attention of the country for years, and which was well worthy of consideration. The hon. and learned Gentleman who opposed the second reading (Mr. Plunket) had directed his speech entirely to a criticism on the details of the Bill as they affected the interests of the well-endowed, long-established, and powerful institution of which he was the Representative. He did not intend to follow him into those details, but would consider the general question of University education. He was disposed to agree with many of the proposals of the right hon. Gentleman the Member for the University of London (Mr. Lowe). He agreed with him that much benefit might be derived from what might be termed the system of payment by results, but it was open to this great criticism—that unendowed and unfavoured institutions were heavily handicapped in contests with well-endowed and long-established ones. Notwithstanding this disadvantage, he believed the Roman Catholic schools need not shrink from the contest. There was but one arena in which the Roman Catholic schools could test their efficiency—namely, in the examination of the London University. At the examination of that University in July, 1877, 10 out of 75 Honours men came from Catholic schools, and most of them, he was proud to say were Irishmen. In the First Division 34 out of 222 came from Catholic schools; but in the Second Division he admitted that these schools were not so successful, having had only three out of 30. The highest competition in England was that for the Indian Civil Service. He was educated

in a Roman Catholic College, one of the students of which came up to compete for the Indian Civil Service, and having had only a few months special training obtained the first place. These examples showed that the students of Roman Catholic schools need not shrink from competition with others, although in many respects the conditions were unfair to them. When he was making some inquiries into the state of the Civil Service in Dublin, he found many young men employed as writers in the Public Service at 10*d.* an hour who were keeping their terms at Trinity College. If these young men had been Roman Catholics they would have found that, practically, a University education was denied them. The hon. and learned Member for Dublin University (Mr. Plunket) would have said—"We have no tests; why do they not come to Trinity College?" The question whether there was a want of superior education in Ireland need not be debated so far as Roman Catholics were concerned, because since 1873 it had been admitted by successive Governments that it was grievously and scandalously bad. They were offered a "united mixed education," and what was their objection to it? It was thought by many that it was a purely ecclesiastical objection, raised by their ecclesiastical superiors, and accepted without consideration, because it was so presented to them. It was nothing of the sort. It was an objection founded on reason and common sense, on their own knowledge, and by the great mass of educated Roman Catholics. What was the history of the question? In 1845 Sir Robert Peel, with that wide grasp of statesmanship which distinguished him, saw that there was a deficiency of superior education, and to meet that want proposed a measure by which what were known as the Queen's Colleges were founded in Ireland. On introducing that measure, Sir James Graham explained in two words what had been the cause why all previous attempts had failed. He said that there should no longer be any interference, positive or negative, with conscientious scruples on matters of religion. Positive interference might have been prevented, but not negative; that was impossible. The teaching of the three "R's" was a mere mechanical act; but the higher branches of education touched

religion at a thousand points, entering into the formation of the mind, and all the principles and prejudices which gave it form and colour. History, for instance, was not a mere string of dates and facts—if so *Pinnock's Catechism* and *The Gasetteer* were histories. But it was a narration of the actions of men with the principles and motives which dictated and guided those actions. Would hon. Gentlemen opposite take the history taught by Lingard; and yet everyone admitted that Lingard was a great historian. So was Macaulay; but they all knew how essentially different was their treatment of the Revolution, Lingard dismissing it with scorn, and Macaulay filling pages with apologies for the English statesmen who were base enough to take bribes from the French Court. Would they take D'Aubigné's *History of the Reformation*, or Bossuet's work on the variations of the Protestant Churches? Would they adopt Robertson's view of society, taught to this day in the Scotch Universities, or Maitland's *Corrections*? What without the voice of the living teacher would be mental philosophy? Nothing but a string of maxims and dry forms of logic. Roman Catholics objected to "united mixed education" because practically it must be in the hands of one school of philosophy and history or the other—in their hands or in those of their opponents—or it must be emasculated and cut down to a mere mechanical business of dates and facts—a bone-dry education which it would not be worth the while of any young man to obtain. That was why the Catholic youth of Ireland had not been able to avail themselves of the advantages of the Queen's Colleges, and why, too, they asked to be put upon a footing of equality with their Protestant fellow-countrymen. Why should not all social as well as political disabilities be removed? Why should not all the honours of University education be available to them? Why should it not be open to them to obtain that teaching and that knowledge to which young men of Protestant families could aspire? It had been said that the Catholic University was a failure. Well, he admitted that it had not been as great a success as they could wish; but that fact was readily accounted for by the difficulties under which it had had to labour. In the consideration of this question he

hoped the House would bear in mind that the efforts of successive Governments since the year 1845 to settle it was a recognition and admission that something was required to be done in the direction indicated by the Bill of his hon. and learned Friend. The Roman Catholics of Ireland asked that their institutions should receive fair treatment, and they offered in return to submit to any test of teaching which the jealousy of Parliament might devise. They also offered that, in the event of Roman Catholic institutions for teaching being put into the position of the older Colleges, their independence and self-government should be as complete as those of any other similar establishments. What he asked on behalf of the Bishops and the other ecclesiastical superiors of the Roman Catholic Church was, not the entire control and management of education but a sort of visitatorial power simply in matters of faith and morals. He asked whether it was wise of any Government of this country for the time being to continue this condition of admitted disadvantage to the Roman Catholic Hierarchy, which resulted on their part in a feeling of injury and of injustice?

MR. MACARTNEY said, that although he came from the North of Ireland, he approached this question in a spirit of conciliation, and not of bigotry. He had been educated personally at the Universities of Bonn and Munich, both of which were situated in the midst of a Roman Catholic population, and in neither had he ever heard an allusion to religion as a topic of discussion. With this experience of two Universities, in which a godless or mixed system was followed, he confessed that he had failed to perceive in it the slightest danger to religion or morals. The students lived in a friendly way, and appeared not to forget the religion of their youth. They acquired information on an equal footing, all studying alike, and as knowledge advanced, the curriculum was altered. He objected to this Bill, because it drew a hard-and-fast line as to the curriculum to be enforced, and which was not to be altered without the express authority of the Roman Catholic Bishops. If this Bill were passed it would prohibit Protestant students from pursuing any course of study they might deem it advisable to enter upon. He objected to

the Bill for another reason — namely, that the Church of which he was a member had been disestablished in order to conciliate our Roman Catholic fellow-subjects, and to attain that end a huge confiscation had taken place. Now, it was sought to give a large sum of money to another Body for an exclusive course of teaching. He objected to that, as did also, he believed the people of England, the people of Scotland, and all the people in Ireland who were not followers of the hon. and learned Member for Limerick (Mr. Butt). The 2nd clause of the Bill provided that the first Professors should be the persons therein named, and that the graduates should not be eligible, unless they obtained a certificate from the existing Catholic University. Consequently the new Body would, in fact, be instituted by the mere certificate of 12 Roman Catholic Bishops. The Representatives of the body of the University of Dublin had, on the contrary, passed their examinations and taken their degrees. Consequently, the provision in the present measure was one of the most extraordinary he had ever seen in an Act of Parliament.

MR. BUTT said, the hon. Member was entirely mistaken. The Crown would nominate a very small number of graduates, because they would be essential for the first institution of the College. This was the common form that been adopted ever since Charters were first granted. In the present instance there was to be some check, and the Queen was not to nominate anyone who did not get a certificate of fitness from the Professors of the present Catholic University in Dublin.

MR. MACARTNEY remarked that that was the same as getting a certificate from 12 Bishops of the Romish Church.

MR. BUTT said, the Bishops would have nothing at all to do with the matter. The Rector and Professors were, apart from the Bishops, to grant the certificates.

MR. MACARTNEY pointed out that those persons were under the direct control of the Bishops. Then, what was going on upon the Continent? Upon one side they saw ranged the Ultramontanes of Rome; and upon the other side, those who were the supporters of free thought. In France a great contest had gone on, and the former party had gained a posi-

tion; so in Belgium it had gained a victory, but it was so resisted that blood ran in the streets. In Switzerland there had been a contest for many years, and in Spain and Austria that party had gained the upper hand; and he wished to call attention to the fact that in Spain it had so far earned its toleration that it had prevented the name of "Protestant" from being put up in that country. ["Oh, oh!"] That was a fact. Then the scheme proposed was one which would not give satisfaction to the Roman Catholics, though it was one to smother liberty of thought in the University of Ireland, and to prevent education having the force which it now had. Therefore, he should oppose the Bill to the utmost of his power. But it must not be said in Ireland that because they would not pass this measure, the House would not grant University education in that country. The fact was that because the Roman Catholics would not have any education but that controlled by priests, they would not have any at all. The Degrees, Scholarships, and Fellowships of Trinity College had been thrown open to Roman Catholics, whose morals could not be in danger in an institution where seven out of the nine Roman Catholic Judges received their education.

LORD ROBERT MONTAGU said, that the hon. Gentleman opposite (Mr. Macartney) had referred to his education on the Continent, and yet he had come back an Orangeman and a red-hot Protestant.

MR. MACARTNEY said, that he was not an Orangeman, but that he was a red-hot Protestant.

LORD ROBERT MONTAGU: The hon. Member had come back, and now adorned the House with his eloquence as a red-hot Protestant. The hon. Member had stated that in Spain the name of Protestant was not tolerated. The principle of the Catholics was that there was one religion—the true religion—and that every other was false. Therefore it was their business to teach that religion where they could, and to hope to prevent the teaching of a false religion. But the Protestant principle was that there was no true religion; that every religion had some truth and some falsehood in it; and that it mattered very little what religion you professed, since the road to Heaven was broad, and the road beneath was narrow.

Mr. Macartney

But referring to this debate, was there any reality about it? Why was it unreal? Because they thought the Bill had no chance of passing; that in a short time it would be dead, and that in a week it would be no more thought of. Why had the hon. and learned Member for Limerick (Mr. Butt) asked for a day for discussing it? and why had the Government, which had so little time at its command, granted it? Not because the details were to be agreed to, but because the hon. and learned Member wished to obtain a sanction of the principle of the Bill. The hon. and learned Gentleman had been eminently successful in attaining that end, for the right hon. Member for the University of London (Mr. Lowe) had admitted that since the disestablishment of the Protestant Church in Ireland and the taking away of the Maynooth Grant we owed a great debt to the Irish people. The right hon. Member for Greenwich (Mr. Gladstone) honourably tried to pay that debt; he said that University education was scandalously bad, and that it was an imperious necessity to remedy that evil. This was a great gain for the hon. and learned Member for Limerick, and should it be said that the great Liberal Party would refuse to pay that which they admitted they owed? He believed that when the time came they would be ready to pay the debt. But *Timæo Danaos et dona ferentes*—he mistrusted the Greeks when they offered presents. What was now offered by the right hon. Member for the University of London was nothing but his own system of payment by results carried to its legitimate conclusion, and it would be a death-blow to religious education. Why did not the right hon. Gentleman propose such a system for England last year in order to get rid of religious differences in England? Because he knew the English people would not accept it when it touched themselves. Nor did he escape those differences by his system, because everything depended on the Examiners, and students would learn all subjects in a Catholic or Protestant sense, according as the Board of Examiners were Catholics or Protestants. If the Examiners were Catholics, students would not go to Protestant teachers, lest they should be plucked; and if the Examiners were Catholics, the Protestants would not stand it. While receiving the admission

of the right hon. Gentleman, they refused his plan, because they knew it would fail. It had failed from a secular point of view in this country, because it encouraged "cramming" to the sacrifice of good training. The right hon. Gentleman suggested his plan because £11,000 a-year was made by one man who was a "crammer," but not a true Professor and a learned man. The fundamental question, which could not be escaped by any nostrums, was whether education was to be regarded as a mere increase of learning or as a training of the mind. Up to 1848 at Cambridge it was said that mathematics and classics were not worth remembering, and were only a means of discipline; but that was now said to be a fatal error, and people valued learning because it made clerks at 15s. a-week, instead of ploughmen at 25s., and economists wished to make us all shopkeepers. That was the ruin of the country, and it made discontented workmen who joined unions. We could alter all that only by forming and training the mind, which, in the interest of the State, was everything. Last year the people of this country recoiled from payment by results, and determined to take steps in favour of religious education. The Irish party supported the Government in doing that for England, and they now asked that the same principle might be carried out in Ireland.

THE O'CONOR DON said, he would not weary the House by stating the many attempts made since the passing of Catholic Emancipation to give a good system of University education in Ireland, but none of these attempts had as yet been successful. Instead of being surprised at the subject being again brought forward, what he wondered at was that it had not been long since forced on the attention of Her Majesty's Government. In 1873 it was stated by the then Prime Minister that the condition of the Catholics in Ireland in the matter of University education was scandalous; but since then the scandal had not been removed, nor had the grievance complained of at that time been lessened. He would remind the House that his hon. and learned Friend the Member for Limerick (Mr. Butt) did not propose an abstract Resolution, but a definite plan, to remedy the evil; and as hon. Members, in the course of the discussion, strayed away some-

what from the provisions of the Bill, he would call their attention to the real question before them. The principle of the Bill was to redress the existing grievance of the Roman Catholic population of Ireland by the establishment of a Roman Catholic College in connection with the University of Dublin on principles which would be agreeable to the Roman Catholic clergy and laity. That was the principle of the Bill; and its main details he argued were of a character which ought to receive the approval of the House. Combating the objections taken by the hon. and learned Member for the University of Dublin to the provisions of the measure, the hon. Gentleman referred to the proposed constitution of the Roman Catholic College. The powers conferred on the Bill by the Committee of Founders were not, he maintained, of that sweeping character described by the hon. and learned Member. The Committee of Founders were to constitute a moiety of the Senate; they were to have the appointment of the theological Professors, and they were to have the nomination of a certain number of visitors. A veto was also proposed to be given to the Committee of Founders, or as he would call it at once the Committee of 12 Roman Catholic Bishops, upon any changes which might be made in the curriculum of the University. This was the full extent of the powers to be conferred on them, and there was, he contended, no justification for believing that those powers would be exercised unreasonably, or that the Roman Catholic Bishops would be opposed to knowledge and enlightenment. The Provost and Fellows of Trinity College, he was reminded, were to have an exactly similar power. If this Bill were candidly considered it would be seen that it was not a Bill of that extreme character which it had been represented to be. The groundwork of objections to this Bill was the dread of ecclesiastical influence. That was the real difficulty that had always rested in the way of University education in Ireland. Ever since Roman Catholic Emancipation the Roman Catholic laity had been treated as if they were children, and not able to use their own freedom to protect themselves. Parliament told them that they would protect them against their ecclesiastical superiors. What had been the result of that

system? In the first place they had prevented generations of young men from receiving a University education. Not only was the number of Catholics who now received a University education miserably small in proportion to their wealth, their position, and their population, but it was smaller than the number of Catholics who received a University education 40 years ago. In the second place, the system of protecting the Roman Catholic laity against ecclesiastical influence left them no choice but that of going into schools and Colleges which were entirely under ecclesiastical control, or of going into institutions against which their consciences rebelled. That system achieved a result the very opposite of that intended by its authors. The Roman Catholics of Ireland could not accept the only institutions offered them, and it could not be denied that they desired the system of education provided for in the Bill. In former years it had been usual to say that the laity were opposed to that system; but considering how large a sum of money had been subscribed to the Roman Catholic College, it was now impossible to employ that argument. The present Government was supposed to be the guardian of the system of religious education, and he might naturally expect them to support a proposal of this kind. It might, perhaps, be easier to create a separate University, rather than adopt the plan proposed by the Bill, but he did not think that this would be the most beneficial course to take. However, if the plans now proposed were rejected they might have to fall back on the establishment of a separate Catholic University, and it should not be forgotten that such a University already existed in one part of Her Majesty's dominion, and what had been granted to Canada could not be permanently refused to Ireland.

MR. CHARLES LEWIS opposed the Bill upon the ground that it contained proposals of a retrogressive character. In the first place, it proposed to erect, at the public expense a new sectarian College; and, in the second place, it proposed to repeal the Act passed by the Legislature for unsecularizing Trinity College, Dublin. The Bill, besides being thus retrogressive, was one that should be looked at in its wider aspect, and considered in its relation to primary and intermediate

education. All that could be urged in favour of the Bill might also be used as an argument for the alteration of the conditions of primary and intermediate education, both of which were still, to a certain extent, unsettled. The necessary consequence of the passing of the Bill would be that Roman Catholics would also be entitled to separate schools. He denied that, as regarded the higher or University education, the Roman Catholics had practically any ground of complaint since the establishment of the Queen's Colleges, which, notwithstanding all the difficulties they had had to contend against, were doing excellent work in the cause of education. The proposal was to endow a new sectarian College for the Roman Catholics out of the confiscated property of the Irish Church; but such a thing was impossible at a time like the present, when one of our Law Courts had the other day decided that it was not competent for an English Protestant gentleman to endow out of his own funds a purely Protestant College at Oxford, as it was opposed to the spirit of the Act passed, extending the advantages of that University to all classes irrespective of creed. As for the proposed endowment of a new Roman Catholic University, he should like to know what denominations could in these days make such a demand upon Parliament with any chance of success. The real deficiency in Ireland was not in the supply of means for an University education, but in willingness on the part of a certain section of the community to take advantage of the opportunities for Education which were so widely given. From the first the Queen's Colleges had been slandered and obstructed in every possible way, and it would not have been surprising, under the circumstances, had they proved to be a failure. He did not admit, however, that they had failed, or that there was any statistical proof of a deficiency of University education in Ireland. On the contrary, the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) pointed out in 1873 that Ireland in the matter of Art degrees stood higher than either England or Scotland, the proportion for England being one Art degree to every 30,000 of the population, and that for Scotland one to every 26,000, while Ireland showed one to every 16,000. There were 230 Roman Catholic students in the

three Colleges of Belfast, Cork, and Galway; and, regard being had to the relative populations of the Three Kingdoms, and especially to the limited class from whom in Ireland University students were necessarily drawn, it might safely be affirmed that Ireland was in some respects at the head of the list, and was in no case at the bottom. The right hon. Gentleman (Mr. Gladstone) proposed in his Bill the destruction of Galway College. The College survived that blow; and whereas the number of its students was in 1872-3 138, it had increased last year to 177, while the total number of students at the three Colleges was approaching very nearly to the maximum number ever obtained. He objected to this Bill as an act of retrogression, and he believed that a vast national advantage would be attained by holding fastly and firmly to the system of united secular education in Ireland.

MR. COGAN said, that the principle that religious disabilities existed which prevented the Roman Catholic people of Ireland from availing themselves of the benefits of University education had been affirmed by the right hon. Member for Greenwich (Mr. Gladstone). It had also been declared in an address signed by many leading Roman Catholic Peers and public men. All persons of all creeds and classes ought to be placed on terms of perfect equality in the matter of education. There ought to be one great national University in Ireland with competing Colleges, and he could not but think that the question before the House would sooner or later be settled—as he felt it ought to be—on that basis.

SIR MICHAEL HICKS - BEACH said, he fully admitted the importance of the proposals made in the Bill of the hon. and learned Member for Limerick (Mr. Butt); but he must add that they appeared to him to be a total reversal of the policy with respect to University education which had of late years been adopted for the whole of the United Kingdom. The Bill proposed first to alter the present constitution of Trinity College; secondly, to adopt the existing Catholic University, and establish it as a new College; and, thirdly, to unite this new College with Trinity College into a University. The proposal to alter the constitution of Trinity College had been so fully dealt with by his hon. and

learned Friend the Member for the University of Dublin (Mr. Plunket) that it was hardly necessary for him to go into that part of the question; but it appeared to him at least strange, that within four years after Trinity College of its own motion had obtained the sanction of Parliament to the abolition of tests they should be asked to reverse that proceeding—to close Trinity College again and make it entirely a Protestant College, with the exception of certain Professorships, Scholarships, and other emoluments which were to be taken from it and devoted to University purposes. But this was not all; for the hon. and learned Member further proposed to lower the College from its present status as a University—to deprive it of its prestige and of its power of conferring academical degrees, and also of a certain portion of those revenues which were not more than sufficient for the purposes for which they were now used. This old and famous Trinity College was then to be formed into a University with an institution of which—he meant to speak with no disrespect—but which must be admitted to be a new and comparatively unknown College, and which was to be endowed with £470,000 from the surplus funds of the Disestablished and Disendowed Church. It was admitted—and it required no argument to prove—that this St. Patrick's College was to be a purely denominational College, and it would be even more than denominational in the ordinary sense of the term. Those on the Government side of the House had been urged to support this measure on the ground of their sympathy with religious education. For years they had resisted the abolition of tests in the English Universities; but he failed to see how an endeavour to maintain the connection between the English Universities and the National Church could be said for a moment to be the same thing as, after you had disestablished and disendowed your National Church, endowing and establishing another Church, so far as University education was concerned. He had never heard that even the most ardent advocate of the retention of tests and of religious education in our English Universities had for a moment desired that the control of the education not only of the members of the Church of England, but

of all students in our English Universities should be handed over to the Bishops of the Church of England. Yet this was practically the result which would be attained by this Bill. It was said that no system of University education would be acceptable to the Catholics of Ireland which was not under the control and supervision of the authorities of their own Church. The hon. and learned Member for Limerick had laid a good deal of stress on his proposal to introduce a lay element into the Senate or Governing Body of the University; but there was as much left to the imagination in his mode of carrying out that proposal as there was in the constitution of the Council of the Bill of 1873. In both cases blanks were left for the names of the first Governing Bodies, though upon those names the whole scheme really depended. But let the lay element proposed in this Bill be ever so independent at first, it had been clearly shown that in a few years it must come under the control of the Committee of Founders—in other words, of the Roman Catholic Bishops. Strange to say, this point was not alluded to by any supporter of the Bill before the speech of the hon. Member for Roscommon (the O'Connor Don), who said the provisions with regard to it were not an essential feature of the Bill; an argument which recalled the history of the debate on the Bill of 1873. But would the Bishops agree to that interpretation, and consent to this being considered not to be an essential feature of the Bill? In spite of what had been said as to the lay element, he could not but think that it was really intended, though it was—and he did not mean it offensively—to some extent disguised, that the Committee of Founders should entirely control this new College; and besides the government of the College, should also, either directly or indirectly, have the absolute power of dismissing any officer, including, he believed, the Rector. That was the case with regard to the proposed St. Patrick's College. But the hon. and learned Member proceeded, out of two denominational Colleges, to constitute an undenominational University; though from the speech of the noble Lord the Member for Westmeath (Lord Robert Montagu), it would seem that, in the opinion of some members of the Roman Catholic Church, such an idea was as hopeless of success as

an attempt to combine oil and water. There was, however, an important provision under which no statute of the University could be passed without the approval of the Committee of Founders of St. Patrick's College, which clearly showed it was intended that this was not to be an undenominational University in the ordinary sense of the word; on the contrary, the University examinations and prizes would be controlled through this power of veto by the Committee of Founders of St. Patrick's College; and this control would apply in the University and in Trinity College, not only to members of their own faith, but also by way of a regulation or check upon the studies of undergraduates, of whom a majority might, and probably would, for some time belong to another communion. This was a power which the Roman Catholic Bishops had never yet claimed, but it was practically conceded to them under the provisions of this Bill. This was the University which the hon. and learned Gentleman proposed to endow with £330,000 of the surplus funds of the Disestablished Church. He had endeavoured to state fairly the proposals of the Bill, which appeared to him to be a distinct and complete reversal of the policy that Parliament had for years past adopted in the matter of University education. The hon. Member for Tralee (the O'Donoghue) stated that, in his opinion, if this measure were rejected it would be because of dislike to the Roman Catholic religion; but did the hon. Member, who knew the history of University legislation, suppose that what was asked in this Bill would be conceded to any religious body in the United Kingdom? Objections might have been urged to this proposal before 1869; but after the disestablishment and disendowment of the Irish Church these objections had increased ten-fold. Was it quite consistent in hon. Members who in 1869 had strenuously promoted the disestablishment and disendowment of the Church of Ireland, on the ground of religious equality, to ask Parliament in 1877, on a similar ground, to endow a denominational Roman Catholic College out of the surplus funds of that very Church, and thus to place one denomination, in this respect, in a totally different position from that which the others desired? It was possible, of course, on this or any other matter that

Parliament might reverse a system of policy, and those on the Ministerial side of the House were not responsible for the policy that was adopted in 1869. But it would be admitted that such a policy so clearly defined and so long adhered to, could not be reversed except for the most cogent reasons; and he had heard no such reasons put forward in the debate of that night. He remembered that the right hon. Gentleman the Member for Greenwich, on introducing the University Bill in 1873, stated that, in his opinion, the condition of University education in Ireland was—at any rate, as regarded Roman Catholics—scandalously bad. The hon. and learned Member for Limerick had made a very similar statement to-night. He (Sir Michael Hicks-Beach) was bound to say that, in his humble opinion, that statement was full of exaggeration. What were the facts of the case? The whole argument for the Bill in 1873, and the whole argument of the hon. and learned Member for Limerick for this Bill, was based upon the view that the education given in the Faculty of Arts was all that could be really considered as University education. He did not think that could for a moment be maintained. If it could be maintained, he believed it was the fact that graduates in Arts were greater in proportion to the population of Ireland than they were in England or Scotland in proportion to the population of those two Kingdoms. But he demurred altogether to such a view; and he might add, with regard to the Queen's University, at any rate, the number of graduates in Arts was no test whatever of the usefulness of that University. At the Queen's University certain studies in Arts were included in the curriculum for professional degrees; and, therefore, there was no temptation for persons intending to follow professional pursuits to graduate in Arts. Was it not one of the leading doctrines of University reformers that studies of the kind not hitherto included in the Faculty of Arts should be more and more, day by day, regarded as the highest part of a University education? If that applied to England it applied far more to a poor country like Ireland. There you found comparatively few whose means enabled them to follow Art studies alone; for there was a natural tendency on the part of those intending to adopt

a professional life to graduate in professional Faculties. If you looked upon Universities in Ireland solely with regard to their Faculties of Art, you would practically omit all consideration of the poorer class of students and regard them solely—as he thought was said by the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) in 1873—as the monopoly of the rich. But if all Faculties were taken into account, he believed that the number of students in the Universities in Ireland were more in proportion to the population of Ireland than the students in the English Universities were to the population of England. But he thought the hon. and learned Member for Limerick would agree with him that population was no real test at all. [Mr. BUTT: Hear, hear!] In this matter, there was only one class of the people to be considered—those who could avail themselves of a University education. Now, what were the classes whose sons would benefit by the Bill? The mercantile, the professional, and the land-owning classes; and everybody knew that in them there was an actual preponderance of Protestants, so that if there were a comparatively small number of Catholic graduates, it might be because the Catholic parents were numerically inferior. The hon. Member for Londonderry (Mr. C. Lewis) had referred to other causes which would diminish the number of Roman Catholics able to benefit by the Bill; but he would also mention that, at any rate at present, the Roman Catholic Church did not appear to encourage her students for Orders to attend any University at all, but preferred that the education of those students should be separate. He need not refer to the Protestants; for they had no grievance, and were quite satisfied with the present system, finding either in Trinity College or the Queen's Colleges the facilities for education which they required. If they wanted anything beyond these, rich endowments, and wide curricula, and modern facilities for locomotion, might well attract their sons to Oxford or Cambridge. Nor were all Roman Catholics at a disadvantage, for some went to the Queen's Colleges and to the Dublin University, and consequently it was not fair to say that they laboured

under any disabilities, in the sense, at least, in which the word had been formerly used. All the Universities were now open to all religions alike; and if the Roman Catholics, from conscientious scruples, did not choose to avail themselves of the benefits of them, they were certainly not under the same kind of disability as in former days, when the Universities were altogether closed against Roman Catholics. He respected their scruples, and would be glad if they were not incompatible with the advantages of a University education; but he questioned very much, if such a College as the hon. and learned Member for Limerick desired were established, whether he would find any considerable number of the class he desired to benefit qualified for admission to a University. He did not think that the paucity of Roman Catholic students was entirely due to the want of an endowment, or the inability to confer a degree, but rather to the want of a system of intermediate education. In introducing the Bill of 1873, the right hon. Gentleman the Member for Greenwich had stated that strong representations had been made to him of the very pressing necessity for improvement in the system of intermediate education in Ireland; and the hon. and learned Member for Limerick had appreciated that want to some extent, and had proposed to devote a small sum to intermediate education; but he thought it was clear that the two subjects could not be dealt with together, and that the hon. and learned Member, in attempting to found a University without constructing a system of intermediate education, was practically attempting to put on a roof before building the walls. There was no evidence to prove that there was any considerable number of young persons in Ireland who would benefit by the Bill; but, on the contrary, he feared it was only too true that many of those who came to the Queen's Colleges were youths whose previous education would not qualify them for admission to an University, or even to the senior classes of a good school. If that were so, and the opinion met with much assent, was it not clear that the question of intermediate education was the more pressing of the two? He had already stated that this was a question to which he hoped,

next Session, to call the earnest attention of the House; but until it was dealt with, there was no real necessity for the passing of any University Bill, and he could not approve of the measure which had been laid before the House, or recommend Parliament on this occasion to depart from the policy in which it had persisted for so many years.

MR. BUTT, in reply, said, that the comparison of population in Ireland was no test on this question. The entire number of Roman Catholics availing themselves of the present system of University education in Ireland was only 170, showing that they did not approve of the present system of University education. He denied that the Bishops and Archbishops were to have full control of the College, the power which they were to have being simply that of excluding certain books which they might deem immoral. That power it was surely not unfair to give to those whom the Roman Catholic people trusted as the guardians of their children. He had authority to state that there was no objection on the part of Roman Catholics to having a Protestant examiner in any branch of learn-

ing, provided that Roman Catholics had to teach. As to the veto on changes in the curriculum, he asked whether it was unreasonable, where they had a course of study coming up to all the requirements of modern science, to say that before they changed that course, both the Catholic and the Protestant Colleges must agree to the alteration? In Ireland the bond of science and intellect was too strong to be severed by difference of religion.

Question put.

The House *divided*:—Ayes 55; Noes 200: Majority 145.—(Div. List, No. 253.)

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

House adjourned at Two o'clock.

[INDEX

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXXXV.

FOURTH VOLUME OF SESSION 1877.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1^o, 2^o, 3^o, or 1^a, 2^a, 3^a, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings :"—
ARMY — NAVY — INDIA — IRELAND — SCOTLAND — PARLIAMENT — POOR LAW — POST OFFICE — METROPOLIS — CHURCH OF ENGLAND — EDUCATION — CRIMINAL LAW — LAW AND JUSTICE — TAXATION, under WAYS AND MEANS.

ADDERLEY, Right Hon. Sir C. B.
(President of the Board of Trade),
Staffordshire, N.

Mercantile Marine — Holyhead Harbour —
Wreck of the "Edith," 403

Merchant Shipping Act—"Cairo," The, 1860
Deck Cargoes—The "Bustonvale," 193

Spontaneous Combustion of Coal—Report of
the Royal Commission, 398

ADVOCATE, The Lord (Right Hon. W.

WATSON), *Glasgow, &c. Universities*

Church Rates Abolition (Scotland), 2R. 1154

Game Laws (Scotland) Amendment, Lords
Amendts. Consid. 1037

Law and Justice (Scotland)—Roman Catholics,
523

VOL. CCXXXV. [THIRD SERIES.]

Africa

Central Africa—Mr. Stanley—The British
Flag, Question, Mr. Sanderson ; Answer, Mr.
Bourke July 9, 1871

[See title *South Africa*]

AGNEW, Mr. R. Vans, *Wigton Co.*

Church Rates Abolition (Scotland), 2R. 1137

Agricultural Holdings (Ireland) Bill

(*Sir Colman O'Loughlin, Lord Francis*
Conyngham)

c. Bill withdrawn * June 20

[Bill 58]

Agricultural Tenements Security for Improvements Bill (*Mr. James Barclay, Sir George Balfour, Mr. Earp*) [Bill 86]
c. 2R., further Proceeding adjourned July 4, 1882

AIRLIE, Earl of
Metropolitan Street Improvements, 2R. 70

ALEXANDER, Colonel C., Ayrshire, S.
Army—Retirement on Full Pay, 202
Army—First Class Reserves, Res. 234
Army Estimates—Military Law, Administration of, 628
Militia Pay and Allowances, 636
Illegitimate Intestates Estates (Scotland), Res. 279

AMORY, Sir J. H., Tiverton
Post Office—Mail Bag—Tiverton Junction, 190

Ancient Monuments Bill
(*Sir John Lubbock, Mr. Beresford Hope, Mr. Russell Gurney, Mr. Osborne Morgan*)
c. Report of Select Comm. * July 9 [No. 317]

ANDERSON, Mr. G., Glasgow
Army Estimates—Reserve Force Pay, &c. 653
Central Africa—Mr. Stanley—The British Flag, 971
Church Rates Abolition (Scotland), 2R. 1150]
Civil Service Estimates—Education Votes—Departmental Statement, &c. 1052
Illegitimate Intestates Estates (Scotland), Res. 289
Indian Civil Service—Admission of Candidates, 458
Law and Justice (Scotland)—Roman Catholics, 821, 822
Mercantile Marine—Lime Juice, 406
Roberts Court Martial, Motion for an Address, 939
Science and Art Department—Provincial Scientific and Industrial Museums, 1351
Slave Trade in the Red Sea, 88, 199
Solicitors Examination, &c. Comm. 887
Supply—Land Registry Office, 1360
Public Education, Scotland, 1218

ANSTRUTHER, Sir R., Fifehire
Egypt—Cetral Africa—King of Uganda, 1317
Roads and Bridges (Scotland), 1129, 1741
Slave Trade—Africa (East Coast)—Liberated Slaves, 1618

ANSTRUTHER, Sir W. C., Lanarkshire, S.
Roads and Bridges (Scotland), 1129

ARCHDALE, Mr. W. H., Fermanagh
National Education (Ireland) Board—Lisnahananna School, 1563

ARGYLL, Duke of
Game Laws (Scotland) Amendment, Report, cl. 3, 149, 150; cl. 7, 153

ARMY

MISCELLANEOUS QUESTIONS

Aldershot Camp—Purchase of Chobham Ridges, Question, Mr. Shaw Lefevre; Answer, Mr. Gathorne Hardy July 19, 1514
Army Examinations, Question, Mr. J. G. Talbot; Answer, Mr. Gathorne Hardy June 21, 86
Army Medical Department, Observations, Dr. Lush; Reply, Mr. Gathorne Hardy July 2, 609
Army Medical Officers—Retirement, Question, Dr. Ward; Answer, Mr. Gathorne Hardy July 12, 1176
Army Medical Service, India, Question, Dr. Lush; Answer, Lord George Hamilton July 16, 1323

Army Promotion and Retirement

The Warrant, Question, Major O'Gorman; Answer, Mr. Gathorne Hardy June 25, 201; Question, Colonel Mure; Answer, The Chancellor of the Exchequer July 2, 601;—*Royal Artillery and Engineers*, Question, Sir Patrick O'Brien; Answer, Mr. Gathorne Hardy June 22, 155;—*The Reserve Forces*, Question, Sir George Campbell; Answer, Mr. Gathorne Hardy July 19, 1516
Increase of Charges, Questions, Mr. Trevelyan; Answers, Mr. Gathorne Hardy July 23, 1686; July 26, 1861
Paper Presented, Notice, Earl Cadogan July 24, 1737

Army Veterinary Department—Candidates, Question, Captain Milne Holme; Answer, Mr. Gathorne Hardy July 2, 597

Brevet Majors of Cavalry—Pay, Question, Captain O'Beirne; Answer, Mr. Gathorne Hardy July 2, 598

Courts Martial on Sergeant McCarthy and others, Question, Mr. O'Connor Power; Answer, Mr. Gathorne Hardy June 25, 199

Discharged Soldiers in 1876, Question, Mr. J. Cowen; Answer, Mr. Gathorne Hardy July 26, 1853

Escape of a Defaulting Officer, Question, Mr. Callan; Answer, Mr. Gathorne Hardy July 19, 1528

Lieutenant Colonel Dawkins—"The Duke of Cambridge", Question, Lord Claud Hamilton; Answer, Mr. Gathorne Hardy June 28, 400

Major De Dohse, Question, Major O'Gorman; Answer, Mr. Gathorne Hardy July 5, 832

Regimental Majors and Lieutenant Colonels—The 6 Years' Term, Question, Mr. Stacpoole; Answer, Mr. Gathorne Hardy July 12, 1177

Retirement on Full Pay, Question, Colonel Alexander; Answer, Mr. Gathorne Hardy June 25, 203

School of Military Engineering at Chatham, Question, Mr. H. B. Samuelson; Answer, Mr. Gathorne Hardy July 12, 1175

Territorial and Numerical Titles to Regiments, Observations, Colonel Naghten; Short debate thereon June 25, 251; Question, Sir Alexander Gordon; Answer, Mr. Gathorne Hardy July 5, 821

ARMY—cont.

The Straits Settlements—Medals for the Malay Campaign, Question, Mr. Serjeant Simon; Answer, Mr. Gathorne Hardy July 26, 1884;—*The Malay Peninsula—Expenses of the Campaign*, Question, Sir Charles W. Dilke; Answer, Mr. J. Lowther July 17, 1887
The Windsor Review—Deficient Transport, Question, Mr. Hayter; Answer, Mr. Gathorne Hardy July 19, 1893
Troops for Foreign Service—The 37th Regiment, Questions, Colonel Naghten, Mr. H. B. Samuelson; Answers, Mr. Gathorne Hardy July 26, 1889

The Auxiliary Forces

Drunkenness in Militia Regiments, Question, Sir Joseph Bailey; Answer, Mr. Gathorne Hardy July 23, 1887
Militia Surgeons—Royal Warrant, 1870, Observations, Mr. Lyon Playfair; Short debate thereon July 2, 1888
Militia, The—The Revised Regulations, Question, Sir George Balfour; Answer, Mr. Gathorne Hardy July 9, 1888
Mounted Riflemen—Hampshire Mounted Rifle Volunteer Corps, Question, Mr. Carpenter Garnier; Answer, Mr. Gathorne Hardy June 21, 88; Observations, Mr. Carpenter Garnier; short debate thereon July 2, 1889
Officers of the Auxiliary Forces—Double Commissions, Question, Mr. Price; Answer, Mr. Gathorne Hardy June 28, 1888
Rifle Militia Regiments—Uniforms, Question, Colonel Naghten; Answer, Mr. Gathorne Hardy July 19, 1891
Yeomanry Uniforms, Question, The Duke of St. Albans; Reply, Earl Cadogan July 26, 1891

Army—First Class Reserve

Amendt. on Committee of Supply June 25, To leave out from "That," and add "having regard to the fact that men of the First Class Army Reserve, when called out last autumn, appeared in a larger proportion than any other branch of Her Majesty's forces, this House is of opinion that it would be expedient to allow at least five thousand men now in barracks, who are over thirty years of age and have had ten years' service, to retire into that reserve" (*Mr. John Holms*) v., 223; Question proposed, "That the words, &c.;" after debate, Question put; A. 207, N. 46; M. 161 (D. L. 192)

Army—Military Law

Moved, "That a Select Committee be appointed to inquire into the present state of our Military Law, including the constitution and practice of Courts-Martial and Courts of Inquiry, and to report to this House the principles upon which the revision of the Mutiny Acts and Articles of War should be carried out, and how best this revision should take place so as to ensure legislation on the subject in the next Session of Parliament" (*Sir Colman O'Loughlin*) June 19, 38

[House counted out]

Army—Royal Artillery and Engineer Officers—Arrears of Indian Pay

Amendt. on Committee of Supply June 25, To leave out from "That," and add "the Papers respecting the arrears of pay due by the Government of India to Officers of the Royal Artillery and Royal Engineers be referred to a Select Committee" (*Colonel Jervis*) v., 206; Question proposed, "That the words, &c.;" after short debate, Question put; A. 93, N. 145; M. 52 (D. L. 190)
 Words added; main Question, as amended, put; A. 104, N. 56; M. 48 (D. L. 191)
 Personal Explanation, Mr. Gathorne Hardy June 28, 411; List of the Committee July 4, 786

Army—The Roberts Court Martial

Amendt. on Committee of Supply July 6, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that, in view of the circumstances disclosed upon the proceedings of the Court Martial upon Captain Roberts, She will be graciously pleased to reinstate him in his rank in the Army" (*Mr. Edward Jenkins*) v., 923; Question proposed, "That the words, &c.;" after debate, Question put; A. 137, N. 72; M. 65 (D. L. 225)

Artizans and Labourers' Dwellings Act—Demolitions in Fetter Lane

Observations, The Earl of Shaftesbury; Reply, Earl Beauchamp July 10, 1039

ASHBURY, Mr. J. L., Brighton

Navy—H.M.S. "Inflexible," 198, 1522

ASHLEY, Hon. A. Evelyn, Poole

Dublin Central Tramways, Consid. Amendt. 1653
 Supply—Consular Services, 1412

ASSETON, Mr. R., Clitheroe

Divine Worship Facilities, 2R. Previous Question moved, 774
 Locomotives on Common Roads, 2R. 43
 Supreme Court of Judicature (Ireland), Consid. cl. 70, 1545

ATTORNEY GENERAL, The (Sir J. HOLKER), Preston

Criminal Law—"The Priest in Absolution," 84
 Criminal Law—Pardon of the Fenian Convicts, Res. 1612
 Obscene Publications—Lord Campbell's Act, 268
 Parish Churchyards, Dissenting Services in, 1659
 Slave Trade in the Red Sea, 200
 Solicitors Examination, &c. Comm. 867
 Succession Duty Act—Double Duties—"The Attorney General v. Charlton," 819

ATTORNEY GENERAL, The—cont.

Supply—Chancery Division of the High Court of Justice, 1286, 1288, 1290
 Land Registry Office, 1360, 1361
 Law Charges, 1286
 Queen's Bench, &c. of the High Court of Justice, 1292
 Supreme Court of Judicature (Ireland), *Consid.* cl. 13, 857; cl. 74, 1578
 Vaccination Act—Case of J. Abel, 405

BAILEY, Sir J. R., Herefordshire

Army—Auxiliary Forces—Drunkenness in Militia Regiments, 1667
 Criminal Law—Sane and Insane Prisoners, 1323

BALFOUR, Major-General Sir G., Kincardineshire

Army—Militia Regulations, 968
 Army—First Class Reserves, Res. 250
 Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 217
 Army Estimates—Administration of the Army, 838
 Clothing Establishments, Services and Supplies, 834
 Medical Establishments and Services, 631
 Military Law, Administration of, 631
 Militia Pay and Allowances, 641
 East India Loan, 2R. 847
 East India Loan—Financial Statement, Comm. 132
 India Tariff—Import Duties on Cotton Manufactures, 1106, 1116
 Local Finance—Scotch, Welsh, and Colonial Loans, 1322
 Roberts Court Martial, Motion for an Address, 934, 935
 Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1345
 Superannuation Act Amendment Act, 1873, Res. 623
 Supply—Police, Counties and Boroughs (Great Britain), 1365
 Public Education, Scotland, 1214

Bankruptcy Law Amendment Bill [H.L.]

(*Mr. Attorney General*)

c. Read 1^o July 5 [Bill 234]

Barbadoes, Legislature of

Question, Mr. Puleston; Answer, Mr. J. Lowther July 23, 1665

BARCLAY, Mr. J. W., Forfarshire

Agricultural Tenements Security for Improvements, 2R. 782
 Army Estimates—Volunteer Corps Pay, &c. 647
 Game Laws (Scotland)—Employment of Constables, 1318
 Navy—Herring Fisheries, 969

Bar Education and Discipline Bill [H.L.]

(*The Lord Chancellor*)

l. Read 3^o June 19 (No. 69)
 c. Read 1^o (Mr. Attorney General) June 25 [Bill 231]

BARTTELOT, Colonel Sir W. B., Sussex, W.

Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 218
 Army Estimates—Full Pay of Reduced and Retired Officers, &c. 840
 Reserve Force Pay, &c. 831
 Supply, Manufacture, &c. of Warlike and other Stores, 834
 Volunteer Corps Pay, &c. 645
 Intoxicating Liquors (Ireland), 2R. 1445
 Law and Justice—Detention in Prison before Trial, 1358
 The Assizes, 85, 194
 Prisons, 3R. 12
 Russia—Hon. Colonel Welleley—Military Attaché, 1035
 Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1600; Rescinding of Res. 1690, 1696, 1698

BASS, Mr. M. A., Stafford, E.

Queen Anne's Bounty Board, 1169

BASS, Mr. M. T., Derby Bo.

Sale of Intoxicating Liquors on Sunday (Ireland), 1198

BATES, Mr. E., Plymouth

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1346, 1347

BATH, Marquess of

Public Worship Regulation Act, Petition, 1349

BAXTER, Right Hon. W. E., Montrose, &c.

Church Rates Abolition (Scotland), 2R. 1135
 Southern Pacific—Samoa Islands, 1168
 Turkey—Release of Bulgarian Prisoners, 1171

BEACH, Right Hon. Sir M. E. Hicks—(Chief Secretary for Ireland), Gloucestershire, E.

Colorado Beetle, 688, 1180
 Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1029
 Intoxicating Liquors (Ireland), 2R. 1427, 1464, 1466
 Ireland—Miscellaneous Questions
 Boards of Guardians, &c. 1621
 Cattle Disease Act—Importation of Stock, 1826
 Coroners, 1665
 Crime—Murder of Mr. Young, 404
 Dublin Metropolitan Police—Case of Mr. J. A. Browne, 197
 Fisheries—Chuckpoint Pier, 1856
 Inland Navigation—Ballinamore Canal, 1202, 1660
 Intermediate Education, 1626
 Irish Constabulary—Salutes, 1532

BRACH, Right Hon. Sir M. E. Hicks—cont.

Irish Land Act, 1870—Clerks of the Peace, 1328
 Law and Justice—Dunow Petty Sessions Clerkship, 595
 Magistracy—Mr. Anketell, 92, 1047
 National Board of Education—Head Teachers of Model Schools, 197;—Lisnabanna School, 1562
 National School Teachers and Tenant-Right, 1326
 National Teachers Act, 1875—Workhouse Teachers, 1328
 Party Processions—Orange Procession at Lurgan, 1852
 Peace Preservation Act, 1871—County of Louth, 1268;—Extra Police in Irish Counties, 1268
 Poor Law Unions, 1510
 Ireland—National School Teachers, Res. 1731
 Royal Dublin Society (No. 2), 2R. 967
 Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 329
 Supply—Chief Secretary for Ireland's Offices, 1236
 Civil Services and Revenue Departments, 475, 476
 Constabulary, Ireland, 1378, 1379, 1380, 1381
 County Prisons and Reformatories, Ireland, 1382
 Dublin Metropolitan Police, 1378
 General Survey and Valuation, Ireland, 1285
 Government Prisons, &c. Ireland, 1381
 Local Government Board in Ireland, 1237, 1238
 Public Education, Ireland, 1223, 1224, 1227, 1233, 1235
 Public Works in Ireland, 1279, 1280
 Supreme Court of Judicature (Ireland), Consid. 35, 160; cl. 8, 267; cl. 18, 864; cl. 70, 1545
 Union Justices (Ireland), 2R. 763
 University Education (Ireland), 2R. 1926

BRACH, Mr. W. W. B., Hampshire, N.
 Locomotives on Common Roads, 2R. 49

BRACONSFIELD, Earl of (First Lord of the Treasury)
 Post Office (Telegraphs), Res. 863
 Stationary Office, Controller of the—Appointment of Mr. T. D. Pigott, Personal Statement, 1477

BRAUCHAMP, Earl (Lord Steward of the Household)
 Artizans and Labourers Dwellings Act—Demonstrations in Fetter Lane, 1039
 Inclosure of Commons, 1R. 590
 Metropolitan Street Improvements, 2R. 70
 Prisons, 2R. 383; Comm. cl. 14, 870, 872; cl. 18, 875; cl. 33, 876; cl. 35, 877
 See of Sodor and Man, Address for a Return, 3

BEAUMONT, Major F. E. B., Durham, S.
 Endowed Schools—Stamfordham School, 1176

BELL, Mr. I. L., Hartlepool
 Learned Societies and Scientific Investigation, 1398
 Solicitors Examination, &c. Comm. 866
 Supply—Paris International Exhibition, 1402

BENTINCK, Right Hon. G. A. F. Cavendish (Judge Advocate General), Whitehaven
 Roberts Court Martial, Motion for an Address, 933, 935

BENTINCK, Mr. G. W. P., Norfolk, W.
 Navy—Naval Education—H.M.S. "Inflexible," Res. 903, 911
 Supply—Embassies and Missions Abroad, 1411

BERESFORD, Colonel F. M., Southwark
 Army Estimates—Volunteer Corps Pay, &c. 647
 Convict Prisons—Discipline and Management, Address for a Royal Commission, 1277
 Locomotives on Common Roads, 2R. 55

BERESFORD, Mr. G. De La P., Armagh
 Union Justices (Ireland), 2R. Amendt. 754

BIGGAR, Mr. J. G., Cavan Co.
 Convict Prisons—Discipline and Management, Address for a Royal Commission, 1277
 County Officers and Courts (Ireland), Comm. cl. 59, 1794
 Factors Act Amendment, Comm. Motion for reporting Progress, 868
 Law and Justice (Ireland)—Dunow Petty Sessions Clerkship, 595
 Parliamentary and Municipal Registration, Nomination of a Select Committee, 1736
 Parliament—Privilege—Reflections on the Speaker of this House, Explanation, 891
 Post Office—Postal Messengers and Letter Carriers, 1734
 Prisons, 3R. 31
 Public Works Loans (Ireland), Comm. cl. 2, 144; cl. 3, Motion for reporting Progress, 145
 Solicitors Examination, &c. Comm. Motion for reporting Progress, 865, 866, 867
 South Africa, Comm. 1770; Consid. Preamble, 1800, 1811, 1812, 1828, 1836, 1842, 1844
 Supply—Local Government Board, Ireland, 1239
 Public Education, Ireland, 1233
 Public Works in Ireland, 1284
 Supreme Court of Judicature (Ireland), Consid. 32, 33, 37; Motion for reporting Progress, 156, 157, 159, 160, 162, 165; cl. 6, Amendt. 263; cl. 8, 266, 271; cl. 10, 277; cl. 13, 857; cl. 18, 859, 862; cl. 62, Amendt. 1542; cl. 70, Amendt. 1543; cl. 73, Amendt. 1546; cl. 74, Amendt. 1547, 1581; cl. 83, Amendt. 1583; add. cl. 1584, 1585; Amendt. 1586, 1587; Motion for reporting Progress, 1626, 1627, 1628; Amendt. 1630, 1634, 1635, 1636, 1639, 1644, 1647, 1648; Amendt. 1649; Schedule 37, Amendt. ib.

BIRLEY, Mr. H., *Manchester*
Divine Worship Facilities, 2R. 776
India Tariff—Import Duties on Cotton Manu-
factures, Res. 1085, 1086, 1128

Bishoprics Bill (*Mr. Secretary Cross, Sir
Henry Selwin-Ibbetson*)
c. Bill withdrawn * July 19 [Bill 153]

BLAKE, Mr. T., *Leominster*
Army Estimates—Reserve Force Pay, &c. 859
Parliament—Privilege—Practice of this House,
829, 830; — Privilege—Reflections on this
House, Notice, 684, 685; Explanation, 889,
890
Solicitors Examination, &c. Comm. 867

**Board of Education (Scotland) Continu-
ance Bill**
(*The Lord Advocate, Mr. Secretary Cross*)
c. Ordered; read 1^o * July 4 [Bill 229]

Boiler Explosions
Question, Mr. Macdonald; Answer, Mr. Ashe-
ton Cross July 6, 885

BOORD, Mr. T. W., *Greenwich*
Plumstead Common—Legal Proceedings, 600,
1329
Superannuation Act Amendment Act, 1873—
Departmental Circulars, Res. 176; Amendt.
618, 822
Supply—Report, Amendt. 921

**BOURKE, Hon. R. (Under Secretary of
State for Foreign Affairs), *Lynn
Regis***
Central Africa—Mr. Stanley—The British
Flag, 971
Egypt—Central Africa—King of Uganda, 1317
The Late Finance Minister, 598
France—Passports, 1178
Treaty of Commerce—Negotiations, 1741
Italy and Albania, 1661
Italy—Germany, 1661
Persian Embassy, 1873, 1322
Peru—Peruvian Loans of 1870-1872, 1391
Roumania—Treatment of the Jews, 403
Russia and Bulgaria—The Czar's Proclama-
tion, 1743
Russia and Turkey—Austrian Policy, 401
Russia and Turkey—The War—Miscellaneous
Questions
Ameer of Kashgar, 1390
Asia Minor—Sir Arnold Kemball, 195
Black Sea, Blockade of, 1324;—Neutral
Vessels in the, 1389
Russian Atrocities, 485, 1176, 1517
Sir Arnold Kemball—Despatch of Troops
to Gallipoli, 1668
Suez Canal, 4
Sulina, Mouth of the Danube, 1526
Slave Trade—Africa (East Coast) Liberated
Slaves, 1518
Southern Pacific—Samoa Islands, 1168
Sugar Convention, 202

BOURKE, Hon. R.—cont.
Supply—Consular Services, 1412
Embassies and Missions Abroad, 1407,
1411, 1412
Turkey—Miscellaneous Questions
Armenia, Outrages in, 1664
Bosnia and Herzegovina, 1663
Bosnia—Despatch of Consul Holmes, 1016,
1020
British Ambassador at the Porte, 86
Bulgaria—Protectorate of the Czar, 1319
Bulgarian Prisoners, Release of, 1173

BOWYER, Sir G., *Wexford Co.*
Irish Peerage, 2R. 1166
Metropolis—St. Margaret's Church, 83
Russia and Turkey—Russian Atrocities, 1175
Stationery Office, Controller of the—Appoint-
ment of Mr. T. D. Pigott, Rescinding of
Res. 1727
Supply—Chancery Division of the High Court
of Justice, 1289
Supreme Court of Judicature (Ireland), Commi.
cl. 8, 269

BRADY, Dr. J., *Leitrim Co.*
Civil Service Competition, 598
Landlord and Tenant (Ireland) Act (1870)
Amendment, 65
Sale of Intoxicating Liquors on Sunday (Ire-
land), Re-comm. 375, 376

**BRAND, Right Hon. H. B. W., (*see
SPEAKER, The*)**

BRASSEY, Mr. T., *Hastings*
Navy—Naval Education—H.M.S. "Inflexible,"
Res. 891, 896, 908
Navy Estimates—Coast Guard Service and
Royal Naval Reserves, &c. 919

BRIGGS, Mr. W. E., *Blackburn*
India Tariff—Import Duties on Cotton Manu-
factures, Res. 1098

BRIGHT, Right Hon. J., *Birmingham*
India—East India Loan—Financial Statement,
Comm. 97
Supply—Colonial Local Revenue, &c. 1415,
1416

BRIGHT, Mr. J., *Manchester*
Contagious Diseases (Animals) Act, 1899—
Convictions—Cattle Plague in Yorkshire, 598
India Tariff—Import Duties on Cotton Manu-
factures, Res. 1089

BRINE, Colonel S. B. RUGGLES, *Exeter, E.*
Army Estimates—Militia Pay and Allowances,
641
Locomotives on Common Roads, 2R. 87

BRISTOWE, Mr. S. B., *Newark*
Supply—Wreck Commissioner, Office of, 1368

British Museum—Salaries

Question, Mr. W. C. Cartwright; Answer, Mr. W. H. Smith *June 29, 1885*

BROOKS, Mr. M., Dublin

Intoxicating Liquors (Ireland), 2R. 1433, 1438
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 354

BROWN, Mr. A. H., Wenlock

Public Health Act—Parish of Ash, 596
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1335;—Rescinding of Res. 1713

BRUCE, Right Hon. Lord E. A. C. B., Marlborough

Cleopatra's Needle, 190

BRUEN, Mr. H., Carlow Co.

National School Teachers (Ireland), Res. 1729
Navy—Navigating Sub-Lieutenants, 968
Public Works Loans (Ireland), Comm. cl. 2, Amendt. 144
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 358
Supreme Court of Judicature (Ireland), Comm. 36
Union Justices (Ireland), 2R. 760

BUCCLEUCH, Duke of

Ordnance Survey—Reduction of Staff, 1267
Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. 947, 957

Building Societies Act (1874) Amendment Bill (Mr. Dalrymple, Mr. Waddy, Mr. Yeaman)

c. Committee *; Report *July 9* [Bills 188-243]
Committee * (on re-comm.); Report *July 19*
Considered * *July 26*

BULWER, Mr. J. R., Ipswich

Army Estimates—Volunteer Corps Pay, &c. 649
Supreme Court of Judicature (Ireland), Comm. cl. 70, 1645; add. cl. 1627

Burial Acts Consolidation Bill

(The Lord President)

1. Ministerial Statement, The Duke of Richmond and Gordon; Observations, Earl Granville *June 21, 67*
Bill withdrawn, after short debate *June 25, 181* (Nos. 27-80)

Burials Bill

Notice of Resolution, Mr. Osborne Morgan *June 19, 3*

Burials—Notice of Motion withdrawn

Question, Mr. Hussey Vivian; Answer, Mr. Osborne Morgan *July 12, 1181*

BUTT, Mr. I., Limerick City

Criminal Law—Pardon of the Fenian Convicts, Res. 1608, 1612

Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1028

Intoxicating Liquors (Ireland), 2R. 1469

Parliament—Business of the House—University Education (Ireland), 487

Solicitors Examination, &c. Comm. 866

Supply—Chief Secretary for Ireland's Offices, 1236

Civil Services and Revenue Departments, Amendt. 472, 474, 475

Dublin Metropolitan Police, 1376

Land Registry Office, 1360

Local Government Board, Ireland, 1239

Miscellaneous Legal Charges, Ireland, 1382
Report, 1548, 1549

Supreme Court of Judicature (Ireland), Consid.

cl. 13, 857; cl. 17, 859; cl. 18, ib., 862, 863;

cl. 51, 1538, 1539, 1540; cl. 53, 1541; cl. 62,

1542; cl. 70, 1544; cl. 74, Motion for reporting

Progress, 1547, 1575, 1578, 1580,

1581; add. cl. 1627, 1644, 1648, 1649, 1650

University Education (Ireland), 2R. 1863, 1919, 1933

Votes on Account, 468

CADOGAN, Earl

Army (Promotion), Paper presented, 1737

Army—Auxiliary Forces—Yeomanry Uniforms, 1851

CAIRNS, Lord (see CHANCELLOR, The Lord)**CALLAN, Mr. P., Dundalk**

Army—Escape of a Defaulting Officer, 1528

Criminal Law—Pardon of the Fenian Convicts, 1604, 1625

Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1025

Factors Act Amendment, Comm. 868

Intoxicating Liquors (Ireland), 2R. 1424, 1427, 1428, 1438

Parliament—Privilege—Reflections in this House, 824

Parliament—Business of the House, Res. 1687

Russia and Turkey—The War—Sir Arnold

Kemball—Despatch of Troops to Gallipoli, 1666

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 322, 323, 725, 1194, 1195

Solicitors Examination, &c. Comm. 865

South Africa, Consid. Preamble, 1825

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1571

Supply—Constabulary, Ireland, 1379, 1380

Dublin Metropolitan Police, 1376, 1377

Public Works in Ireland, 1283

Supreme Court of Judicature (Ireland), Consid.

cl. 74, 1579; add. cl. 1628, 1634, 1642

Union Justices (Ireland), 2R. 766

CAMERON, Dr. C., Glasgow

Army Estimates—Medical Establishments and Services, 631

Parliament—Public Business, 820

Post Office—Female Telegraph Clerks, 91

Supply—Embassies and Missions Abroad, 1410

Public Education (Scotland), 1209

Report, 1549

CAMPBELL, Lord

Russia and the Porte—Circular Despatch of the Ottoman Government, Motion for Papers, 1491, 1508, 1511
Treaties of Paris, 1856, Motion for Papers, 179, 181

CAMPBELL, Sir G., *Kirkcaldy, &c.*

Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 222
Army Retirement—Reserve Forces, 1516
Army Estimates—Full Pay of Reduced and Retired Officers, &c. 839, 840
East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Res. 429
Egypt—The late Finance Minister, 597
India—East India Loan—Financial Statement, Comm. Amendt. 113, 142
India Tariff—Import Duties on Cotton Manufactures, Res. Amendt. 1094, 1128
South Africa, Comm. Amendt. 1751; Co Preamble, 1799, 1800, 1803
Supply—Constabulary, Ireland, 1380
Register House Departments, Edinburgh, 1373
Supreme Court of Judicature (Ireland), Consid. cl. 70, 1545

CAMPBELL-BANNERMAN, Mr. H., *Stirling, &c.*

Army—First Class Reserves, Res. 249
Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 221
Army Estimates—Military Law, Administration of, 628
Superannuation Act Amendment Act, 1873, Res. 622

CAMPERDOWN, Earl of

Metropolitan Street Improvements, 2R. 69
Universities of Oxford and Cambridge, 2R. 677

Canal Boats Bill (*Mr. Selater-Booth, Mr. Secretary Cross, Mr. Salt*)

c. Select Comm. nominated * June 25
Report of Select Comm. * July 12 [No. 327]

CANTERBURY, Archbishop of

Burial Acts Consolidation, Report, Bill withdrawn, 181
Public Worship Regulation Act, Petition, 1846

CARDWELL, Viscount

Burial Acts Consolidation, Report, Bill withdrawn, 186
Prisons, Comm. cl. 14, 873
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, 1489
Universities of Oxford and Cambridge, Re-comm. cl. 15, 1261

CARLINGFORD, Lord

Crime (Ireland)—Protection of Life, 1314
Universities of Oxford and Cambridge, 2R. 674; Re-comm. cl. 15, 1257

CARNARVON, Earl of (Secretary of State for the Colonies)

India (Coolie Emigration), Motion for Papers, 1561
Universities of Oxford and Cambridge, Re-comm. cl. 15, 1258

CARTWRIGHT, Mr. W. O., *Oxfordshire*

British Museum—Salaries, 485

Cattle Plague

Contagious Diseases (Animals) Act, 1869

Convictions — Cattle Plague in Yorkshire, Question, Mr. Jacob Bright; Answer, Mr. Assheton Cross July 3, 593

Imported Cattle, Question, Earl Fortescue; Answer, The Duke of Richmond and Gordon July 23, 1653

Spread of the Disease, Question, Colonel Kingscote; Answer, Viscount Sandon July 16, 1329

CAVENDISH, Lord F. C., *Yorkshire, W.R., N. Div.*

Indian War Charges, 1177
Wine and Beerhouse Act (1869) Amendment, Motion for Adjournment, 1038

CECIL, Lord E. H. B. G. (Surveyor General of Ordnance), *Essex, W.*

Army—Numerical Titles of Line Regiments, 254
Army Estimates—Supply, Manufacture, &c. of Warlike and other Stores, 835, 836

CHADWICK, Mr. D., *Macclesfield*

Law and Justice—Public Prosecutors, 1519

CHAMBERLAIN, Mr. J., *Birmingham*

Elementary Education, Expenditure on, 1073
Science and Art Department — Provincial Scientific and Industrial Museums, 1345, 1362

CHAMBERS, Sir T., *Marylebone*

Persian Embassy, 1873, 1332

CHANCELLOR, The LORD (Lord Cairns)

Confessional in the Church of England—"The Priest in Absolution," 884
Game Laws (Scotland) Amendment, Report, cl. 7, 159, 154; 3R. 481
Irish Statutes, Revision of, 1385
Married Women's Property Act (1870) Amendment, 2R. Amendt. 77
New Forest, 2R. 804
Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. 256
Post Office (Telegraphs), Res. 879
Prisons, Comm. cl. 14, 873; cl. 15, 875

CHANCELLOR of the EXCHEQUER (Right Hon. Sir S. H. NORTHOTE), *Devon*, *N.*

Army Estimates—Reserve Force Pay, &c. 653, 655, 656, 658
 Army Promotion and Retirement—The War-rant, 602
 Civil Service—Writers in Government Offices, 1171
 Civil Service Estimates—Education Votes—Departmental Statement, &c. 1048, 1050
 Confessional, The—"The Priest in Absolu-tion," 407, 1174
 County Franchise and Re-distribution of Seats, Res. 571
 County Officers and Courts (Ireland), Comm. cl. 59, 1794
 England and Russia—The Mediterranean Garrisons, 1741, 1796
 Gibraltar—The Ordinance, 1858
 Illegitimate Intestates Estates (Scotland), Res. 295;—Paterson's Estate, 408
 India—Mr. Fuller and Mr. Leeds, 201
 Indian War Charges, 1177
 Kirwee Booty, Motion for a Paper, 1556
 Maritime Contracts, 409
 Mercantile Marine—Lime Juice, 407
 Metropolis—India and Colonial Museum—Fife House Site, 1855
 St. Margaret's Church—The Albert Me-morial, 815
 National Gallery—David Roberts, R.A., 592
 Navy—Miscellaneous Questions
 H.M.S. "Inflexible"—Instructions, 1523
 New Naval College—Site, 1519, 1661
 Promotion and Retirement of Marines, 1660
 Navy—Naval Education—H.M.S. "Inflexible," Res. 909, 973
 Order—Committee of Supply, Res. 203
 Parliament—Miscellaneous Questions
 Business of the House, 487, 1563, 1743
 Business of the Session, 1530, 1534, 1535, 1536
 Obstruction of Business, 1862
 Order of Business, 321, 322
 Privilege—Reflections in this House, 824, 838; Explanation, 888
 Public Business, 685, 686, 820
 Parliament—Business of the House, Res. 1668, 1678, 1685
 Parliament—Supply—Order of Business, Res. 973
 Plumstead Common—Legal Proceedings, 600, 1329
 Post Office Money Orders, 2R. 1240
 Public Works Loans (Ireland), Comm. cl. 4, 145
 Red Sea, Navigation of the, 399
 Russia—Hon. Colonel Wellesley, Military At-taché, 592
 Russia and Turkey—Miscellaneous Questions
 English Occupation of Constantinople, 968
 Intervention, 972, 1044
 Lord Derby's Despatch of May 6, 260, 816
 Mediterranean Fleet, 688, 886, 916
 Russia and Turkey—The War—Miscellaneous Questions
 Gallipoli, Occupation of, 1668
 Russian Atrocities, 1176
 Suez Canal, 192
 Sale of Intoxicating Liquors on Sunday (Ire-land), Re-comm. 326, 823, 1182, 1185
 Solicitors Examination, &c. Comm. 865

[*cont.*]

CHANCELLOR of the EXCHEQUER—*cont.*

South Africa, 1046; Consid. Preamble, 1800, 1802, 1806, 1809, 1810; Amendt. 1815, 1822, 1828, 1831, 1841
 Stationery Office, Controller of the—Appoint-ment of Mr. T. D. Pigott, Res. 1335, 1564, 1572;—Rescinding of Res. 1689, 1703, 1714
 Supply—Civil Services and Revenue Depart-ments, 473, 474, 476
 Colonial Local Revenue, &c. 1416
 Learned Societies and Scientific Investiga-tion, 1394, 1400
 Report, 1549
 Suez Canal (British Directors), 1418, 1419
 Supreme Court of Judicature (Ireland), Consid. cl. 10, 275; cl. 18, 864; cl. 74, 1647; add. cl. 1627, 1628, 1629, 1643
 Votes on Account, 465
 Ways and Means—Inland Revenue—Spirits in Bond, 1042
 Ways and Means—Inland Revenue—Collec-tion of Taxes, Res. 414

CHAPLIN, Colonel E., *Lincoln*

Locomotives on Common Roads, 2R. 39, 57

CHAPLIN, Mr. H., *Lincolnshire, Mid.*

Elementary Education Act—School Districts in Lincolnshire, 410
 Parliament—Business of the House, Res. 1682, 1683, 1687

Charity Commissioners—*Botton's Charity* Question, Mr. James; Answer, Viscount Sandon July 26, 1853

CHICHESTER, Earl of

Ecclesiastical Commission (Church Building), Motion for a Paper, 188, 189

CHICHESTER, Bishop of

Confessional in the Church of England—"The Priest in Absolution," 884

CHILDERS, Right Hon. H. O. E., *Ponts-fract*

Army—Militia Surgeons—The Warrant, 608
 Civil Service Estimates—Education Votes—Departmental Statement, &c. 1052
 Parliament—Supply—Order of Business, Res. 973
 Spontaneous Combustion of Coal, Report of Royal Commission, 398
 Stationery Office, Controller of the—Appoint-ment of Mr. T. D. Pigott, Res. 1339
 Supply—Colonial Local Revenue, 1415
 Miscellaneous Expenses, 1421
 Suez Canal (British Directors), 1418
 Superannuation and Retired Allowances, 1420
 Supreme Court of Judicature (Ireland), Consid. cl. 74, 1576

Christ's Hospital—*Suicide of a Scholar*

Question, Mr. Serjeant Sherlock; Answer, Mr. Ascheton Cross July 12, 1173; Explan-ation, Mr. Ascheton Cross July 13, 1294; Question, Mr. Fawcett; Answer, Mr. Asche-ton Cross July 19, 1515;—*Hertford School*, Question, Mr. Fawcett; Answer, Mr. Asche-ton Cross July 24, 1738

*Church of England**The Confessional in the Church of England—*

"The Priest in Absolution," Questions, Mr. J. Cowen, Mr. Forayth; Answers, The Attorney General June 21, 83; Question, Mr. Whalley; Answer, The Chancellor of the Exchequer June 28, 407; Question, Observations, Lord Oranmore and Browne; Reply, The Lord Chancellor; short debate thereon July 6, 883; Question, Mr. Whalley July 9, 967; Resolution, Mr. Whalley July 6, 946

Dissenting Services in Parish Churchyards, Question, Mr. Seely; Answer, The Attorney General July 23, 1859

Public Worship Regulation Act, Petition presented (*Earl Nelson*) July 26, 1846; after short debate, Petition to lie on the Table

Queen Anne's Bounty Board, Question, Mr. Bass; Answer, Mr. Asheton Cross July 12, 1169

The Society of the Holy Cross—"The Priest in Absolution," Question, Mr. Hussey Vivian; Answer, The Chancellor of the Exchequer July 12, 1174;—*The Rev. E. H. Cross,* Observation, Lord Oranmore and Browne July 13, 1242

Church of England—Church Patronage

Moved, "That, in view of the prevalence of simoniacal evasions of the law and other scandals and abuses in connection with the exercise and disposal of private patronage in the Church of England, remedial measures of a more stringent character than any recently introduced into this House are urgently required" (*Mr. Leatham*) June 26, 298

Amendt. to leave out from "That," and add "it is desirable to adopt measures for preventing simoniacal evasion of the law and checking abuses in the sale of livings in private patronage" (*Mr. Hardcastle*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. and Motion withdrawn

Church of England—Church Patronage (Sale of Livings)

Resolved, That it is desirable to adopt measures for preventing simoniacal evasion of the law and checking abuses in the sale of livings in private patronage

Church of England—Ecclesiastical Commission (Church Building)

Moved, That the Return to the Order of this House of 19th June 1876, be amended (1) by the addition of a balance sheet showing the amount of interest received and the items of expenditure which have apparently reduced the balance by more than £8,000 and interest; (2) by supplying the omission of the amount of population of each district to which grants or nominal grants have been made" (*The Earl Nelson*) June 23, 188; after short debate; Motion withdrawn

Church of England Endowments

Resolution, Mr. Whalley July 10, 1128

[House counted out]

Church of England—See of Sodor and Man

Moved, "That an humble Address be presented to Her Majesty for, Return of the various sources from which the income of the See of Sodor and Man is derived, and its amount" (*The Earl of Powis*) June 19, 1; after short debate, Motion agreed to

Church of England, The Confessional in the—"The Priest in Absolution"

Moved, "That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion" (*Mr. Whalley*) July 3, 750

[House counted out]

Moved, "That, having regard to the state of the Law which renders the publication of an obscene book an offence, although the person publishing it be not actuated by any desire to deprave, and to the absence of any power in the Education Department to interfere with the religious teaching in public elementary schools or to make any inquiry thereon, this House is of opinion that the doctrines and practices set forth in a book entitled 'The Priest in Absolution,' and carried out under the name of the Confessional by certain clergymen of the Church of England, do tend to deprave and are dangerous to the best interests of society and of religion" (*Mr. Whalley*) July 24, 1795; whereupon Previous Question proposed, "That that Question be now put" (*Mr. Chancellor of the Exchequer*)

[House counted out]

Church Patronage (Scotland) Law Amendment Bill

(*Mr. Ramsay, Mr. Baxter, Mr. Grant Duff*)

c. Ordered; read 1st July 4

[Bill 231]

Church Rates Abolition (Scotland) Bill

(*Mr. McLaren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Grieve, Mr. Laing, Sir George Balfour*)

c. Moved, "That the Bill be now read 3rd" July 11, 1180

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Mark Stewart*); after long debate, Question put, "That 'now,' &c.;" A. 143, N. 304; M. 61 (D. L. 230)

[cont.]

Church Rates Abolition (Scotland) Bill—cont.

Words added ; main Question, as amended—put, and agreed to ; 2R. put off for three months [Bill 30]

City of London Improvement Provisional Order Confirmation (Golden Lane, &c.) Bill [R.L.]

c. Read 1^o June 21 [Bill 206]
Read 2^o June 3
Committee^o ; Report July 3
Read 3^o July 4
Royal Assent July 12 [40 & 41 Vict. c. 100]

Civil Service, The

Civil Service Competition, Question, Dr. Brady ; Answer, Mr. W. H. Smith July 2, 598

Writers in Government Offices, Question, Mr. Gordon ; Answer, The Chancellor of the Exchequer July 12, 1171

Cleopatra's Needle

Question, Lord Ernest Bruce ; Answer, Mr. Gerard Noel June 26, 190

COCHRANE, Mr. A. D. W. R. Baillie, *Isle of Wight*

Metropolis—St. Margaret's Church—The Albert Memorial, 814
Navy—New Naval College—The Site, 816, 817

COGAN, Right Hon. W. H. F., *Kildare County Officers and Courts (Ireland), Comm. cl. 59, 1794*

Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1023, 1025
Parliament—Order of Business, 322
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 325
Supply—Public Education, Ireland, 1235
Supreme Court of Judicature (Ireland), Consid. cl. 10, 273, 276
Union Justices (Ireland), 2R. 762
University Education (Ireland), 2R. 1926

COLCHESTER, Lord

Universities of Oxford and Cambridge, 2R. Amendt. 666 ; Re-comm. add. cl. 1266

COLERBROOKE, Sir T. E., *Leamarksire, N. Army—Militia Surgeons—The Warrant, 606*

COLERIDGE, Lord

Married Women's Property Act (1870) Amendment, 2R. 71, 81

COLLINS, Mr. E., *Kinsale*

National Gallery—David Roberts, R.A. 592
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 696

COLMAN, Mr. J. J., *Norwich*

Elementary School—Case of John Jermy, 1862
Illegitimate Intestates Estates (England)—Upcroft's Case, Motion for a Return, 318
Illegitimate Intestates Estates (Scotland), Res. 291

Colonial Fortifications Bill

(*Mr. Secretary Hardy, Lord Eustace Cecil, Mr. Stanley*)

c. 3R., after short debate, Debate adjourned June 22, 176 [Bill 174]
Read 3^o July 4
l. Read 1^o (*Earl Cadogan*) July 5 (No. 138)
Read 2^o July 12
Committee^o ; Report July 13
Read 3^o July 16
Royal Assent July 23 [40 & 41 Vict. c. 23]

Colonial Stock Transfer (Stamp Duty) Bill

(*Mr. William Henry Smith, Mr. James Lowther*)

c. Ordered ; read 1^o July 4 [Bill 228]

Colorado Beetle, The

Question, Mr. Mark Stewart ; Answer, Viscount Sandon June 28, 410 ; Question, The O'Donoghue ; Answer, Sir Michael Hicks-Beach July 3, 687 ; Question, Captain Nolan ; Answer, Sir Michael Hicks-Beach July 12, 1180

Companies Acts Amendment (No. 3) Bill

(*Mr. Edward Stanhope, Sir Charles Adderley*)

c. Committee^o ; Report July 5 [Bills 171-238]
Committee^o (on re-comm.) ; Report July 9
Read 3^o July 10
l. Read 1^o (*The Lord Chancellor*) July 12
Read 2^o July 16 (No. 141)
Committee^o ; Report July 17
Read 3^o July 19
Royal Assent July 23 [40 & 41 Vict. c. 26]

Consolidated Fund (£20,000,000) Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Resolution considered in Committee July 9
Resolution reported, and agreed to ; Bill ordered ; read 1^o July 10
Read 2^o July 12
Committee^o ; Report July 13
Read 3^o July 16
l. Read 1^o (*The Lord Privy Seal*) July 17
Read 2^o ; Committee negatived July 19
Read 3^o July 20
Royal Assent July 23 [40 & 41 Vict. c. 94]

Contingent Remainders Bill [R.L.]

(*Mr. Attorney General*)

c. Read 2^o July 10 [Bill 162]

Convict Prisons—Discipline and Management

Amendt. on Committee of Supply July 13, To leave out from "That," and add "in the opinion of this House, facilities for the independent inspection of convict establishments should be provided; and that an humble Address be presented to Her Majesty, praying that a Royal Commission be appointed to inquire into the discipline and management of these prisons" (*Mr. Parnell*) v.: 1269; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

CONYNGHAM, Lord F. N., *Clare*

Roberts Court Martial, Motion for an Address, 945

Russia—Hon. Colonel Wellesley, Military Attaché, 592

COOPE, Mr. O. E., *Middlesex*

Metropolis—The Parks—Volunteer Drills, 408

Coroners (Ireland) Bill

Question, Mr. French; Answer, Sir Michael Hicks-Beach July 23, 1865

County Officers and Courts (Ireland) Bill

(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

c. Read 2^o, and committed to a Select Committee, after short debate June 22, 189

Select Committee nominated; List of the Committee June 29, 589

Report of Select Comm. * July 17 [No. 341]

Committee * (*on re-comm.*)—*r.p.* July 23

Committee—*r.p.* July 24, 1793 [Bill 254]

COURTNEY, Mr. L. H., *Liskeard*

South Africa, 2R. Amendt. 980; Comm. 1786; Consid. Preamble, 1802, 1804, 1807; *cl.* 1, 1843

Supreme Court of Judicature (Ireland), Consid. *cl.* 18, 862

COURTOWN, Earl of

Imbecile, Lunatic, and other Afflicted Classes (Ireland), 2R. Bill withdrawn, 794

COWEN, Mr. J., *Newcastle-on-Tyne*

Army—Discharged Soldiers, 1853

Criminal Law—Justice, Alleged Miscarriage of—Case of Styran and Crowther, 1327
"Priest in Absolution," 83

Intoxicating Liquors (Licensing Boards), 1471

Navy—Dockyard Engineers at Malta, 818

Parliament—Business of the House, Res. 1675

South Africa, Comm. 1773

COWPER, Earl

Prisons, Comm. *cl.* 18, Amendt. 875

Prisons—Lunatic Asylums, 1845

CRAWFORD, Mr. J. S., *Down*

Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 57, 64

CRIMINAL LAW**MISCELLANEOUS QUESTIONS**

Alleged Miscarriage of Justice—Case of Styran and Crowther, Question, Mr. J. Cowen;

Answer, Mr. Asheton Cross July 16, 1337

Broadmoor Criminal Lunatic Asylum—Report of the Committee, Observations, Mr. Rylands;

Reply Mr. Asheton Cross July 9, 1002

Case of Frances Isabella Stalland, Question, Sir Eardley Willmot; Answer, Mr. Asheton Cross July 6, 822

Conveyance of Prisoners, Question, Mr. Paget; Answer, Mr. Asheton Cross July 12, 1179

Importation of Italian Children, Question, Sir H. Drummond Wolff; Answer, Mr. Asheton Cross July 2, 596

Murder of Sergeant Brett, 1867—Reports of the Trial, Question, Mr. O'Connor Power;

Answer, Mr. Asheton Cross June 25, 361

Obscene Publications—Lord Campbell's Act,

Question, Mr. Whalley; Answer, The Attorney General June 26, 258

Sane and Insane Prisoners, Question, Sir Joseph Bailey; Answer, Mr. Asheton Cross July 16, 1323

"*The Priest in Absolution*," Questions, Mr. J. Cowen, Mr. Forsyth; Answers, The Attorney General June 21, 83

Criminal Law — Pardon of the Fenian Convicts

Amendt. on Committee of Supply July 20, To leave out from "That," and add "in the opinion of this House, the time has come when Her Majesty's gracious pardon may be advantageously extended to the prisoners, whether convicted before the Civil Tribunals or by Courts Martial, who are and have been for many years undergoing punishment for offences arising out of insurrectionary movements connected with Ireland" (*Mr. O'Connor Power*) v., 1687; Question proposed, "That the words, &c.;" after long debate, Question put; A. 235, N. 77; M. 136 (D. L. 241)

CROSS, Right Hon. R. A. (Secretary of State for the Home Department), *Lancashire, S.W.*

Army Estimates—Reserve Force Pay, &c. 639

Boiler Explosions, 885

Christ's Hospital—Suicide of a Scholar, 1173; Explanation, 1294, 1515;—Hartford School, 1739

Church Patronage, Res. 315, 317

Confessional, The, Res. 751

Contagious Diseases (Animals) Act, 1869—Convictions—Cattle Plague in Yorkshire, 594

Convict Prisons—Discipline and Management, Address for a Royal Commission, 1373, 1374, 1375, 1378

Criminal Law—Miscellaneous Questions

Broadmoor Criminal Lunatic Asylum, Report of Committee, 1007

Conveyance of Prisoners, 1179

Frances Isabella Stalland, Case of, 823

Italian Children, Importation of, 597

Justice, Alleged Miscarriage of—Case of Styran and Crowther, 1327

CROSS, Right Hon. R. A.—*cont.*

Murder of Sergeant Brett, 201
Pardon of the Fenian Convicts, 1619
Sane and Insane Prisoners, 1373
Stokeley County Court, 1658
Explosives Act—The Magistrates at Lancaster, 1514
Game Laws (Scotland)—Employment of Constables, 1318
Hammersmith Bridge and the International Regatta, 1666
Inland Revenue—Grocers' Licences, 1522
Law and Justice—Miscellaneous Questions
Assizes, 85, 194, 195, 487
Detention in Prison before Trial, 1356
Public Prosecutor, 1520
Metropolitan Police—Gratuities for Special Service, 1738
Mines Act, 1872—Conviction of Mr. B. Thomas, 599
Mines (Scotland)—Inundation of the Home Farm Colliery, 1525
Parochial Charities (City of London), 595
Prisons, 3R. 27
Prisons Act—The Prison Commissioners, 1527
Prisons (Scotland)—Catholic Prisoners, 1662, 1855
Queen Anne's Bounty Board, 1169
Roads and Bridges (Scotland), 155
Street Traffic (Metropolis), 1859
Supply—Convict Establishments in England and the Colonies, 1366
Police, Counties and Boroughs (Great Britain), 1365
Public Education, Scotland, 1214
Reformatory and Industrial Schools, 1367
Trades Unions—South Yorkshire Miners' Association, 814
Vaccination Act Prosecutions—Case of Joseph Abel, 194

Crown Office Bill [H.L.]

c. Read 1^o July 9

[Bill 241]

CUNINGHAME, Sir W. J. M., *Ayr, &c.*
Church Rates Abolition (Scotland), 2R. 1144
Scotch Herring Fisheries, 812

Customs Department—Re-organisation
Question, Mr. Richard Smyth; Answer, Mr. W. H. Smith June 21, 89

DALRYMPLE, Mr. C., *Buteshire*
Inland Revenue—Grocers Licences, 1521

DAVENPORT, Mr. W. BROMLEY-, *Warwickshire, N.*
Army Estimates—Yeomanry Cavalry Pay, &c. 643
Locomotives on Common Roads, 2R. 42

DAVIES, Mr. D., *Cardigan*
Locomotives on Common Roads, 2R. 51
Supply—Chancery Division of the High Court of Justice, 1291

DENBIGH, Earl of

India—Estate of General Sombre, 81

DENISON, Mr. C. BECKETT-, *Yorkshire, W.R., E. Div.*

Army Estimates—Reserve Force Pay, &c. 655
East India Loan, 2R. 846
Parliament—Business of the House, Res. 1681
Post Office Money Orders, 2R. 1240
Solicitors Examination, &c. Comm. 866

DENISON, Mr. W., BECKETT-, *East Retford*

Post Office—Telegraph Offices, Closing of, 406

DENMAN, Lord

Burial Acts Consolidation, Report, Bill withdrawn, 183
Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. 957
Prisons, Comm. cl. 14, 872

DERBY, Earl of (Secretary of State for Foreign Affairs)

Eastern Question—Mediterranean Fleet, 663
Mediterranean Garrisons, 1652
Persia and Turkey—The Boundary, 682
Russia—Hon. Colonel Welleseley, Military Attaché, 178
Russia and the Porte—Circular Despatch of the Ottoman Government, Motion for Papers, 1507
Russia and Turkey—The War—Excesses by the Russian Army, 479
Treaties of Paris, 1856, Motion for Papers, 180

DEVONSHIRE, Duke of

Universities of Oxford and Cambridge, 2R. 676

DICKSON, Mr. T. A., *Dungannon*

Sale of Intoxicating Liquors on Sunday (Ireland), 1201
Supply—Public Education, Ireland, 1235

DILKE, Sir C. W., *Chelsea, &c.*

County Franchise and Re-distribution of Seats, Res. 500
Indian Civil Service—Admission of Candidates, 462
Metropolis—New Lodge in Hyde Park, 1168
Navy—Naval Education—H.M.S. "Inflexible," Res. 901
New Forest, 193
Parliament—Business of the Session, 1534
Metropolitan Commons Bill, Lords' Amendments, 1742
Parliamentary and Municipal Registration, Nomination of Select Committee, 1736
Post Office—Postal Messengers and Letter Carriers, 1734
Russia and Turkey—Blockade of the Black Sea, 1324, 1389;—The War—The Ameer of Kashgar, 1390
South Africa, 2R. 987; Comm. 1784
Straits Settlements—The Malay Peninsula—Expenses of the Campaign, 1387

[cont.]

DILKE, Sir C. W.—*cont.*

Supply—Admiralty Registrar and Marshal of Probate, &c. of the High Court of Justice, Amendt. 1292, 1293
Colonial Local Revenue, &c. Amendt. 1413, 1417
Land Registry Office, 1359
Metropolitan Police, 1362
Police Courts, London and Sheerness, 1362 Report, 922
Thames River (Prevention of Floods), 91, 1523

DILLWYN, Mr. L. L., Swansea

Army Estimates—Volunteer Corps Pay, &c. 649
Fisheries (Oysters, Crabs, and Lobsters), 821
Navy—Naval Education—H.M.S. "Inflexible," Res. 908
Parliament—Business of the House, 1743
Russia and Turkey—The War—Suez Canal, 4
South Africa, 2R. 1001; Conaid. Preamble, 1827
Supply—Chancery Division of the High Court of Justice, 1289
Civil Services and Revenue Departments, 476
Dublin Metropolitan Police, 1878
Embassies and Missions Abroad, 1411
Land Registry Office, Amendt. 1360, 1361
Miscellaneous Expenses, 1421
Queen's Bench, &c. of the High Court of Justice, 1292
Turkey—Bosnia—Despatch of Consul Holmes, 1020
Votes on Account, 467

DINEVOE, Lord

Public Worship Regulation Act, Petition, 1849

Divine Worship Facilities Bill

(*Mr. Wilbraham Egerton, Mr. Birley, Mr. Whitwell, Mr. Rodwell*)

c. Moved, "That the Bill be now read 2^o" July 4, 772
Previous Question proposed, "That that Question be now put" (*Mr. Ascheton*); after short debate, Previous Question put; A. 94, N. 78; M. 16 (D. L. 218)
Main Question put, and agreed to; Bill read 2^o [Bill 47]

DODDS, Mr. J., Stockton

Supply—Chancery Division of the High Court of Justice, 1290
Queen's Bench, &c. of the High Court of Justice, 1292
Wreck Commissioner, Office of, 1293

DODSON, Right Hon. J. G., Chester

Illegitimate Intestates Estates (Scotland), Res. 290
Prisons, 3R. 26
Supply—Constabulary, Ireland, 1379
Land Registry Office, 1361
Police, Counties and Boroughs (Great Britain), 1362, 1366
Police Courts, London and Sheerness, 1362
Wreck Commissioner, Office of, 1293, 1368

DORCHESTER, Lord

Russia—Hon. Colonel Wellesley, Military Attaché, 177

DOWNING, Mr. M'Carthy, Cork Co.

Admiralty Courts—Cork and Belfast, 1663
Convict Prisons—Discipline and Management, Address for a Royal Commission, 1374
County Officers and Courts (Ireland), 2R. 173; Comm. cl. 57, Amendt. 1792; cl. 59, ib.
Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1029
Intoxicating Liquors (Ireland), 2R. 1439, 1439, 1439, 1440, 1449
National School Teachers (Ireland), Res. 1732
Prisons (Scotland)—Catholic Prisoners at Perth, 1855
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 329; Motion for Adjournment, 382, 1190
Supply—Constabulary, Ireland, 1378
Supreme Court of Judicature (Ireland), Conaid. 156, 158; cl. 8, 270; cl. 10, 273, 276; cl. 51, 1540; cl. 62, Amendt. 1541; cl. 74, 1575, 1581, 1582; cl. 80, Amendt. ib.; add. cl. 1584, 1627, 1628, 1641
Union Justices (Ireland), 2R. 759

Dublin Central Tramways Bill [Lords]
(*by Order*)

c. Moved, "That the Bill be now taken into Consideration" July 23, 1653
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Ashley*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. and Motion withdrawn
Ordered, That the Bill, as amended in the Committee, be referred to the Examiner of Petitions for Private Bills, to inquire whether the Amendments involve any infraction of the Standing Orders of this House" (*The Chairman of Ways and Means*)

DUFF, Mr. M. E. Grant, Elgin, &c.

Education Department—Allowances and Pensions to Teachers, 1070
India—Affairs of Kbelat, 1859
India Tariff—Import Duties on Cotton Manufactures, Res. 1124
Metropolis—India and Colonial Museum—The Fife House Site, 1855

DUNBAR, Mr. J., New Ross

Supreme Court of Judicature (Ireland), Conaid. cl. 10, Amendt. 272; cl. 74, 1573

EARP, Mr. T., Newark

Post Office—Postal Messengers and Letter Carriers, 1734

East India Loan Bill

(*Mr. Raikes, Lord George Hamilton, Mr. Chancellor of the Exchequer*)

c. Considered in Committee * June 31
Resolution reported, and agreed to: Bill ordered; read 1^o June 22 [Bill 215]
Read 2^o, after short debate July 5, 841

EDMONSTONE, Admiral Sir W., *Str.-
lingshire*

Locomotives on Common Roads, 2R. 43
Mediterranean Fleet—Besika Bay, 914

EDUCATION

MISCELLANEOUS QUESTIONS

Allowances and Pensions of Teachers, Observations Lord Francis Hervey; short debate thereon July 10, 1069

Civil Service Estimates—The Departmental Statement on Education, Observations, Viscount Sandon; short debate thereon July 10, 1047

Conference on Domestic Economy, Birmingham, Question, Mr. Munts; Answer, Viscount Sandon July 10, 1042

Elementary Education Act—School Districts in Lincolnshire, Question, Mr. Chaplin; Answer, Viscount Sandon June 28, 419

Endowed Schools Acts, Address for Returns (*The Earl Fortescue*) July 9, 958; after short debate, Motion agreed to

Endowed Schools—Stanfordham School, Question, Mr. Beaumont; Answer, Viscount Sandon July 12, 1176;—*The Tonbridge School*, Question, Mr. Goldsmid; Answer, Viscount Sandon July 23, 1858

Parochial Relief to Parents—Case of John Jermyn, Question, Mr. Colman; Answer, Mr. Solater-Booth July 26, 1862

School Boards—Selection of Subjects, Observations, Sir John Lubbock; short debate thereon July 10, 1060

The Confessional—The Society of the Holy Cross, Question, Mr. Whalley; Answer, Viscount Sandon June 26, 269

The Expenditure on Elementary Education, Observations, Mr. Chamberlain; Reply, Viscount Sandon July 10, 1072

Education—Training Colleges

Amend. on Committee of Supply July 10, To leave out from "That," and add "the English Education Code, by requiring that all students of training colleges receiving Government aid must reside within such colleges, a condition not imposed by the Scotch Code, and by withholding from graduates of universities the encouragement offered by the Scotch Code to enter on the Profession of Elementary Teachers, tends to increase the cost of the erection and maintenance of these colleges, and to diminish the number of duly qualified teachers" (*Mr. Samuelson*) v., 1053; Question proposed, "That the words, &c.;" after short debate, Question put; A. 121, N. 78; M. 43 (D.L. 229)

EDWARDS, Mr. H., *Weymouth*

Navy—New Naval College—Site, 816, 970

EGERTON OF TATTON, Lord

Prisons, 2R. 392; Comm. cl. 14, 871

EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), *Lancashire, S.E.*

Navy—Miscellaneous Questions

Arctic Expedition, 91

Dockyard Engineers at Malta, 818

English Officers in the Turkish Service, 1043

Gunnery Lieutenants, 400

H.M.S. "Alexandra," 86;—Reported Mutiny, 410

H.M.S. "Inflexible," 198, 1181, 1320, 1325, 1858

H.M.S. "Monarch," 1517

H.M.S. "Repulse," 400

Herring Fisheries, 970

Keyham Factory—Case of Edward Owens, 1388

Naval Chaplains—Society of the Holy Cross, 971

Naval College Site, Dartmouth, 816, 817, 970, 1045, 1179

Navigating Sub-Lieutenants, 969

Retired Naval Officers, 813, 1178

Ships of War—A Select Committee, 203, 260

Navy—Naval Education—H.M.S. "Inflexible," Res. 898, 899, 902

Navy—H.M.S. "Inflexible" and "Captain," Motion for a Paper, 1785

Navy Estimates—Coast Guard Service and Royal Naval Reserves, 918

Peru—Peruvian Iron-clad "Huascar," 1180, 1325

Slave Trade in the Red Sea, 88

EGERTON, Hon. Admiral F., *Derbyshire, E.*

Navy—Naval Education—H.M.S. "Inflexible," Res. 908

EGERTON, Hon. Wilbraham, *Cheshire, Mid*

Divine Worship Facilities, 2R. 772, 773

India—Salt Duties, 599

Locomotives on Common Roads, 2R. 56

EGYPT

Central Africa—The King of Uganda, Question, Sir Robert Anstruther; Answer, Mr. Bourke July 16, 1317

Navigation of the Red Sea, Question, Mr. D. Jenkins; Answer, The Chancellor of the Exchequer June 28, 399

The late Finance Minister, Question, Sir George Campbell; Answer, Mr. Bourke July 2, 597

Elementary Education Provisional Order Confirmation (Cardiff, &c.) Bill [M.L.]

(Viscount Sandon)

a. Committee: Report June 20 [Bill 178]
Read 3^o June 21

l. Royal Assent June 28 [40 & 41 Vict. c. 75]

**Elementary Education Provisional Order
Confirmation (Felmington, &c.) Bill**
[H.L.] (*The Lord President*)

- l. Committee *; Report June 25 (No. 96)
Read 3^a June 26
c. Read 1^a (*Viscount Sandon*) June 29 [Bill 223]
Read 2^a July 5
Committee *; Report July 16
Read 3^a July 17
l. Royal Assent July 23 [40 & 41 Vict. c. 130]

**Elementary Education Provisional Order
Confirmation (London) Bill** [H.L.]
(*Viscount Sandon*)

- c. Committee *; Report June 20 [Bill 179]
Considered * June 21
Read 3^a June 22
l. Royal Assent July 12 [40 & 41 Vict. c. 104]

EMLYN, Viscount, Carmarthen
County Franchise and Re-distribution of Seats,
Res. 535

ENFIELD, Viscount
Poor Law—The Boarding-out System, 809

ERRINGTON, Mr. G., Longford Co.
Fiji Islands—Labour Traffic, 601
Italy—Germany, 1861
Recorder of Dublin—Office of Registrar, 82
Supply—Colonial Local Revenue, &c. 1418
Public Education, Ireland, 1231
University Education (Ireland), 2R. 1905

ESLINGTON, Lord, Northumberland, S.
Army Estimates—Yeomanry Cavalry Pay, &c. 644
Navy—Naval Education—H.M.S. "Inflexible," Res. 902
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 917

EVANS, Mr. T. W., Derbyshire, S.
Locomotives on Common Roads, 2R. 52

EVERSLEY, Viscount
New Forest, 2R. 809

EWING, Mr. A. Ott, Dumbartonshire
Church Rates Abolition (Scotland), 2R. 1140
Roads and Bridges (Scotland), 1526

**EXCHEQUER, CHANCELLOR of the (see
CHANCELLOR of the EXCHEQUER)**

Exoneration of Charges Bill [H.L.]
(*Mr. Attorney General*)
c. Read 2^a July 10 [Bill 151]

**Explosives Act—The Magistrates at Lan-
chester**

Question, Mr. Macdonald; Answer, Mr.
Asheton Cross July 19, 1513

Factors Act Amendment Bill

(*Sir John Lubbock, Sir James McGarel-Hogg, Sir
Charles Mills, Mr. Watkin Williams*)

- c. Read 2^a June 25 [Bill 168]
Committee; Report July 5, 868
Considered * July 6
Read 3^a July 9
l. Read 1^a (*Earl of Morley*) July 10 (No. 140)
Read 2^a July 16
Committee * July 20
Report * July 23
Read 3^a July 24

FAWOETT, Mr. H., Hackney

Christ's Hospital—Suicide of a Scholar, 1515;
—Hertford School, 1738
Church Patronage, Res. 318
East India—Mr. Fuller and Mr. Leeds—In-
dependence of Judges of the High Courts,
200; Res. 433
East India Loan, 2R. 841
India—East India Loan—Financial Statement,
Comm. 136, 143
India Tariff—Import Duties on Cotton Manu-
factures, Res. 1121
Parochial Charities (City of London), 594
Supreme Court of Judicature (Ireland), Consid.
add. cl. 1638

FAY, Mr. C. J., Cavan Co.

County Officers and Courts (Ireland), 2R. 172
Inland Revenue—Stamp Office at Monaghan,
1854
Magistracy (Ireland), Res. 321
National Board of Education (Ireland)—Head
Teachers of Modern Schools, 197
Supreme Court of Judicature (Ireland), Comm.
157

Fiji Islands, The—Labour Traffic

Question, Mr. Errington; Answer, Mr. J.
Lowther July 2, 601

**Fisheries (Oysters, Crabs, and Lobsters)
Bill** [H.L.] (*The Lord Elphinstone*)

- l. Read 2^a June 19 (No. 106)
Committee *; Report June 21
Read 3^a June 22
c. Read 1^a (*Mr. E. Stanhope*) June 25 [Bill 217]
Question, Mr. Dillwyn; Answer, Mr. E. Stan-
hope July 5, 821
Read 2^a July 12
Committee *; Report July 19 [Bill 257]
Committee * (*on re-comm.*); Report July 26

FITZMAURICE, Lord E. G., Calne

County Franchise and Re-distribution of Seats,
Res. 526, 535

FLOYER, Mr. J., Dorsetshire

Supply—Broadmoor Criminal Lunatic Asylum,
1670

FORBES, Lord

Public Worship Regulation Act, Petition, 1850

Forest of Dean—Sale of Lands—Act of 10 Geo. IV., c. 50

Question, Colonel Kingscote; Answer, Mr. W. H. Smith June 28, 402; July 9, 970

Forfeiture Relief Bill

(*The Lord Foxford*)

l. 2R. discharged * July 13 (No. 20)

FORSTER, Right Hon. W. E., Bradford

Civil Service Estimates—Education Votes—Departmental Statement, &c. 1048; Motion for Adjournment, 1050

Criminal Law—Pardon of the Fenian Convicts, Res. 1626

Illegitimate Intestates Estates (Scotland), Res. 291, 294

Indian Civil Service—Admission of Candidates, 461

Parliament—Order of Business, 321

Russia and Turkey—The Mediterranean Fleet, 688

South Africa, 1046; Comm. 1756

South Africa Confederation—Transvaal Territory, 1171

Supply—Public Education, England and Wales, 1084

Training Colleges, Res. 1059

Vaccination, Res. 747, 749

FORSYTH, Mr. W., Marylebone

East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Res. 449

Metropolis—St. Margaret's Church, 84

Parliament—Privilege—Circulars to Members, 1513

Parliament—Business of the House, Res. 1673

Roberts Court Martial, Motion for an Address, 939

FORTESCUE, Earl

Contagious Diseases (Animals) Act, 1869—Imported Cattle, 1652

Endowed Schools Acts, Motion for an Address, 958, 964

France

Passports, Question, Mr. Repton; Answer, Mr. Bourke July 12, 1178

The Treaty of Commerce—The Negotiations, Question, Mr. Sampson Lloyd; Answer, Mr. Bourke July 24, 1741

FRENCH, Hon. C., Roscommon

Coroners (Ireland), 1665

Mercantile Marine—Holyhead Harbour—Wreck of the "Edith," 403, 1664

Post Office—Postal Messengers and Letter Carriers, 1734

Game Laws (Scotland) Amendment Bill

(*The Earl of Rosebery*)

l. Report June 22, 147 (No. 97)
Read 3^d June 29, 480; after short debate, Bill passed (No. 118)

c. Moved, "That the Lords Amendts. be now taken into Consideration" July 9, 1037; after short debate, Question put; A. 131, N. 27; M. 104 (D. L. 328)

Moved, "That the Debate be now adjourned" (*Mr. Parnell*); Question put, and agreed to; Debate adjourned

Debate resumed July 12, 1240

Lords Amendts. considered and agreed to

Game Laws (Scotland) Amendment (No. 2)

Bill (*Lord Elcho, Sir Graham Montgomery*)

c. Bill withdrawn * June 27 [Bill 92]

GARNIER, Mr. J. CARPENTER-, Devon, S.

Army—Auxiliary Forces—Hampshire Mounted Rifle Volunteer Corps, 88

Army—Mounted Riflemen, 603

Divine Worship Facilities, 2R. 780

Gas and Water Orders Confirmation (Abingdon, &c.) Bill [H.L.]

(*The Lord Elphinstone*)

l. Committee * June 26 (No. 66)

Report * June 28

Read 3^d * June 29

c. Read 1st * July 5 [Bill 235]

Read 2^d * July 9

Committee *; Report July 17

Read 3^d * July 18

l. Royal Assent July 23 [40 & 41 Vict. c. 131]

Gas and Water Orders Confirmation

(*Brotton, &c.*) Bill [H.L.]

c. Committee *; Report June 20 [Bill 191]

Read 3^d * June 21

l. Royal Assent June 28 [40 & 41 Vict. c. 76]

General Police and Improvement (Scotland) Act (1862) Amendment Bill

(*The Lord Gordon of Drumearn*)

l. Read 2^d * June 26 (No. 109)

Committee * July 2

Report * July 3

Read 3^d * July 5

Royal Assent July 12 [40 & 41 Vict. c. 22]

General Police and Improvement (Scotland) Provisional Order Confirmation (Dumbarton) Bill [H.L.]

c. Read 1st * (*The Lord Advocate*) June 21

Read 2^d * June 25 [Bill 208]

Committee *; Report July 3

Read 3^d * July 4

l. Royal Assent July 12 [40 & 41 Vict. c. 101]

General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow) Bill

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

- c. Ordered; read 1^o June 21 [Bill 210]
 Read 2^o June 25
 Committee*; Report July 3
 Read 3^o July 4
 l. Read 1^o July 5 (No. 135)
 Read 2^o July 12
 Committee*; Report July 13
 Read 3^o July 16
 Royal Assent July 23 [40 & 41 Vict. c. 128]

General Police and Improvement (Scotland) Provisional Order Confirmation (Leith) Bill

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

- c. Ordered; read 1^o June 21 [Bill 211]
 Read 2^o June 25
 Committee*; Report July 3
 Considered* July 4
 Read 3^o July 5
 l. Read 1^o July 6 (No. 137)
 Read 2^o July 13
 Committee* July 16
 Report* July 17
 Read 3^o July 19

**Gibraltar—New Customs Regulations—
The Trade Ordinance**

Question, Mr. Mac Iver; Answer, Mr. J. Lowther July 12, 1169; Questions, Mr. Ilibbert, Mr. Rylands; Answers, Mr. J. Lowther July 20, 1563; Question, Mr. Knatchbull-Hugessen; Answer, Mr. J. Lowther July 24, 1739; Question, Mr. Knatchbull-Hugessen; Answer, The Chancellor of the Exchequer July 26, 1858

GIBSON, Right Hon. E., (Attorney General for Ireland), *Dublin University*

Admiralty Courts—Cork and Belfast, 1662
 County Offices and Courts (Ireland), 2R. 175;
 Consid. cl. 43, 1792; cl. 67, *ib.*; cl. 59, *ib.*
 Public Health (Ireland), 2R. 1085
 Recorder of Dublin—Office of Registrar, 82
 Supply—Dublin Metropolitan Police, 1375, 1378
 Supreme Court of Judicature (Ireland), Consid. 32, 36, 159, 162; cl. 4, 166; cl. 6, *ib.*, 263, 264; cl. 8, 266, 271, 272; cl. 10, 273, 276, 278; cl. 13, 855; cl. 18, 859, 860; cl. 40, 1536; cl. 46, Amendt. 1537; cl. 48, *ib.*; cl. 51, 1638, 1539, 1540; cl. 58, 1541; cl. 62, *ib.*; cl. 63, 1542; cl. 64, 1543; cl. 70, *ib.*, 1545; cl. 73, 1546; cl. 74, 1547, 1576; cl. 80, 1582; cl. 83, 1583; add. cl. 1585, 1586, 1636, 1647, 1648, 1649; Schedule 37, *ib.*, 1650

GIFFARD, Sir H. S. (See SOLICITOR GENERAL, The)

GLADSTONE, Right Hon. W. E., *Greenwich*

Criminal Law—Pardon of the Fenian Convicts, Res. 1614
 Parliament—Business of the Session, 1534
 Privilege—Reflections on the Speaker of this House, Explanation, 888

GOLDNEY, Mr. G., *Chippenham*

County Franchise and Re-distribution of Seats, Res. 524
 Education Department—Allowances and Pensions to Teachers, 1071
 Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1027
 Landlord and Tenant (Ireland) Act (1870) Amendment, 65
 Supreme Court of Judicature (Ireland), Consid. cl. 6, 263; cl. 8, 268

GOLDSMID, Mr. J., *Rochester*

Education—Endowed Schools—Tonbridge School, 1658
 Intoxicating Liquors (Ireland), 2R. 1457
 Parliament—Business of the House, Res. 1631
 Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 327
 South Africa, Comm. 1786; Consid. Preamble, 1841
 Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott—Rescinding of Res. 1688
 Supply—Chancery Division of the High Court of Justice, 1290
 Civil Services and Revenue Departments, 473
 Colonial Local Revenue, &c. 1412, 1416
 Embassies and Missions Abroad, 1409
 Paris International Exhibition, 1402
 Public Works in Ireland, 1260
 Votes on Account, 467

GORDON, Sir A., *Aberdeenshire, E.*

Army—Lieutenant-Colonel Dawkins, 401
 Territorial Titles to Regiments, 821
 Army Estimates—Military Law, Administration of, 637
 Militia Pay and Allowances, 633, 634
 Church Rates Abolition (Scotland), 2R. 1148, 1149, 1158
 Game Laws (Scotland) Amendment, Lords Amendts. Consid. 1037; Amendt. 1241
 Roberts Court Martial, Motion for an Address, 938, 941

GORDON, Mr. W., *Chelsea*

Civil Service—Writers in Government Offices, 1171
 Game Laws (Scotland) Amendment, Lords Amendts. Consid. 1240, 1241
 Thames River (Prevention of Floods), 1523

GORST, Mr. J. E., *Chatham*

Navy—Promotion and Retirement of Marines, 1660
 Navy—Naval Education—H.M.S. "Inflexible," Res. 901
 Supply—Colonial Local Revenue, 1416
 Embassies and Missions Abroad, 1410
 Land Registry Office, 1361

GOSCHEN, Right Hon. G. J., London
County Franchise and Re-distribution of Seats, Res. 557, 569
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 919

GOULDING, Mr. W., Cork
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 702

GOURLLEY, Mr. E. T., Sunderland
Army Estimates—Supply, Manufacture, &c. of Warlike and other Stores, 836, 837
Mediterranean Fleet—Besika Bay, 886, 913
Merchant Shipping Act—Deck Cargoes—The "Bustonvale," 192
Navy—H.M.S. "Inflexible"—Committee of Inquiry, 1826
H.M.S. "Monarch," 1816
Navy—Naval Education—H.M.S. "Inflexible," Res. 903
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 919
Russia and Turkey—Suez Canal, 192
The War—Neutral Vessels in the Black Sea, 1388

GOWER, Hon. E. F. L., Bodmin
Education Department—School Boards—Selection of Subjects, 1068

GRANVILLE, Earl
Burial Acts Consolidation—Ministerial Statement, 68; Report, Bill withdrawn, 184
Eastern Question—Mediterranean Fleet, 663
Game Laws (Scotland) Amendment, 3R. 483
Mediterranean Garrisons, 1652
New Forest, 3R. 808
Post Office (Telegraphs), Res. 832
Prisons, Comm. cl. 14, 873
Private Bills—Dover and Deal Railway, 1844
Russia and the Porte—Circular Despatch of the Ottoman Government, Motion for Papers, 1502
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, 1488
Treaties of Paris, 1866, Motion for Papers, 181
Universities of Oxford and Cambridge, Re-comm. cl. 15, Amendt. 1243, 1263

GRAY, Mr. E. D., Tipperary
Intoxicating Liquors (Ireland), 3R. 1453
Parliament—Business of the House, Res. 1685, 1686
South Africa, Consid. Preamble, 1830, 1831
Supply—Constabulary (Ireland), 1380, 1381
Dublin Metropolitan Police, 1377
Local Government Board, Ireland, 1237; Amendt. 1239
Public Education, Ireland, 1233
Public Works in Ireland, 1284
Reports, 1549
Supreme Court of Judicature (Ireland), Comm. 57

GREENE, Mr. E., Bury St. Edmunds
Army Estimates—Reserve Force Pay, &c. 652
Divine Worship Facilities, 2R. 780
Locomotives on Common Roads, 2R. 56
Vaccination Act—Penalties, 397; Res. 736

Greenock Improvement Provisional Order Confirmation Bill [H.L.]

(The Lord Advocate)

c. Read 1st June 21 [Bill 207]
Read 2nd June 25
Committee*; Report July 3
Read 3rd July 4
l. Royal Assent July 12 [40 & 41 Vict. c. 102]

GREGORY, Mr. G. B., Sussex, E.
County Franchise and Re-distribution of Seats, Res. 542
Intoxicating Liquors (Licensing Boards), 2R. 1474
Solicitors Examination, &c. Comm. 866; Motion for reporting Progress, 867
South Africa, Consid. Preamble, 1842
Street Traffic (Metropolis), 1858
Supply—Chancery Division of the High Court of Justice, 1289
Queen's Bench, &c. of the High Court of Justice, 1292
Supreme Court of Judicature (Ireland), Consid. cl. 74, 1577

GREY, Earl
Burial Acts Consolidation, Report, Bill withdrawn, 184

GREY DE WILTON, Viscount
Army—Auxiliary Forces—Yeomanry Uniforms, 1851

GURNEY, Right Hon. R., Southampton
Supply—Land Registry Office, 1361
Reformatory and Industrial Schools, 1367
Supreme Court of Judicature (Ireland), Consid. cl. 13, 858
Turkish Loan (1854), Res. 1423

Habitual Drunkards Bill
(Dr. Cameron, Mr. Clare Read, Mr. Ashley, Sir Henry Jackson, Mr. Edward Jenkins, Mr. Richard Smyth)

c. Bill withdrawn* July 11 [Bill 105]

HAMILTON, Lord C. J., Lynn Regis
Army—Lieutenant-Colonel Dawkins, 400, 401

HAMILTON, Lord G. F. (Under Secretary of State for India), Middlesex
Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 213
East India Irrigation Company, 1857
East India Loan, 2R. 850

HAMILTON, Lord G. F.—*cont.*

- India—Miscellaneous Questions
 - Army Medical Service, 87, 1322
 - Church of England Missionaries and Indian Bishops, 1663
 - Khelat, Affairs of, 1859
 - Salt Duties, 599
- India—East Indian Loan—Financial Statement, Comm. 92, 97, 120, 141, 143
- India Tariff—Import Duties on Cotton Manufactures, Res. Amendt. 1125
- Indian Civil Service—Admission of Candidates, 459

HAMOND, Mr. C. F., *Newcastle-upon-Tyne*
Maritime Contracts, 409

HAMPTON, Lord

- India (Coolie Emigration), Motion for Papers, 1556

HANBURY, Mr. R. W., *Tamworth*

- Russia and Turkey—The War—Sulina Mouth of the Danube, 1526

HARCOURT, Sir W. G. V., *Oxford City*

- Army Estimates, Reserve Force Pay, &c. 658
- County Officers and Courts (Ireland), Comm. cl. 59, 1793
- East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Res. 445
- Law and Justice—Detention in Prison before Trial, 1354
- South Africa, Consid. Preamble, 1838, 1839
- Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott—Rescinding of Res. 1697
- Supreme Court of Judicature (Ireland), Consid. cl. 74, 1578; *add.* cl. 1643
- Wine and Beerhouse Act (1869) Amendment, 2R. 1038

HARDCASTLE, Mr. E., *Lancashire, S.E.*

- Church Patronage, Res. Amendt. 314

HARDINGE, Viscount

- Prisons, 2R. 391
- Universities of Oxford and Cambridge, Res. comm. cl. 16, 1264

HARDY, Right Hon. Gathorne (Secretary of State for War), *Oxford University*

- Army—Auxiliary Forces—Miscellaneous Questions
 - Drunkenness in Militia Regiments, 1667
 - Hampshire Mounted Rifle Volunteer Corps, 89
 - Militia Regulations, 968
 - Officers of, 409
 - Rifle Militia Regiments—Uniforms, 1518

HARDY, Right Hon. G.—*cont.*

Army—Miscellaneous Questions

- Aldershot Camp—Purchase of Chobham Ridges, 1514
- Army Examinations, 87
- Army Medical Officers Retirement, 1176
- Army Promotion and Retirement—Increase of Charges, 1861
- Army Promotion—The Warrant, 155, 391, 1667
- Army Retirement—Reserve Forces, 1516
- Army Veterinary Department—Candidates, 597
- Brevet Majors, Pay of, 596
- Courts Martial on Sergeant Mc'Carthy and others, 199
- Deficient Transport — Windsor Review, 1524
- Discharged Soldiers, 1854
- Escape of a Defaulting Officer, 1528
- Lieutenant Colonel Dawkins, 400
- Major De Dohse, 823
- Medals—Malay Campaign, 1854
- Medical Department, 614
- Numerical Titles of Line Regiments, 254, 821
- Regimental Majors and Lieutenant Colonels, 1177
- Retirement on Full Pay, 303
- School of Military Engineering at Chatham, 1175
- Troops for Foreign Service, 1860
- Army—First Class Reserves, Res. 229, 241
- Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 219, 221
- Army Estimates—Miscellaneous Questions
 - Administration of the Army, 838
 - Clothing Establishments, Services and Supplies, 834
 - Commissariat, Transport, and Ordnance Store Establishments, 832
 - Divine Service, 254
 - Full Pay of Reduced and Retired Officers and Half Pay, 839, 840, 841
 - Medical Establishment and Services, 631
 - Military Law, Administration of, 630
 - Militia Pay and Allowances, 641, 642
 - Militia, Yeomanry Cavalry, &c., Non-effective Services, 841
 - Miscellaneous Effective Services, 828
 - Pay of General Officers, 839
 - Provisions, Forage, &c. Services, 833
 - Reserve Force Pay, &c. 651, 652, 831
 - Supply, Manufacture, and Repair of Warlike Stores, 835, 836
 - Volunteer Corps Pay, &c. 648, 649
 - Works, Buildings, &c. 837
 - Yeomanry Cavalry Pay, &c. 644
- Criminal Law—Pardon of the Fenian Convicts, Res. 1601, 1604, 1607
- East India (Majors of Artillery), Personal Explanation, 411
- Metropolis—The Parks—Volunteer Drills, 466
- Roberts Court Martial, Motion for an Address, 941
- Russia—Hon. Colonel Wellesey—Military Attaché, 1034, 1036
- South Africa, Consid. Preamble, Motion for Adjournment, 1822, 1825
- Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1343

[*cont.*

[*cont.*

HARDY, Right Hon. G.—cont.

Superannuation Act Amendment Act, 1873,
Res. 621, 622
Supply, Report, 923
Votes on Account, 469

HARMAN, Mr. E. R., KING-, *Sligo*

Army Estimates—Reserve Force Pay, &c. 661
Roberts Court Martial, Motion for an Address,
946
Sale of Intoxicating Liquors on Sunday (Ire-
land), Re-comm. 380
Supply—Public Education, Ireland, 1233

HARRISON, Mr. J. F., *Kilmarnock, &c.*
Parliament—Public Business—Half-past
Twelve Rule, 685

HARROWBY, Earl of

Burial Acts Consolidation, Report, Bill with-
drawn, 184
Kirwee Booty, Motion for a Paper, 1556
Persia and Turkey—The Boundary, 681
Prisons, Comm. *cl.* 14, 872
Public Worship Regulation Act, Petition, 1849
Universities of Oxford and Cambridge, 3R. 1490

**HARTINGTON, Right Hon. Marquess of,
*New Radnor***

County Franchise and Re-distribution of Seats,
Res. 577
Criminal Law—Pardon of the Fenian Convicts,
Res. 1623
Parliament—Business of the Session, 1529,
1535
Obstruction of Public Business, 1862
Order—Committee of Supply, Res. 205
Russia and Turkey—The War—Occupation of
Gallipoli, 1668
Sale of Intoxicating Liquors on Sunday (Ire-
land), 1189
South Africa, Consid. Preamble, 1838
Stationery Office, Controller of the—Appoint-
ment of Mr. T. D. Pigott, Res. 1570;—Re-
scind of Res. 1723
Votes on Account, 467

HAVELOCK, Sir H. M., *Sunderland*

Army—Mounted Riflemen, 605
Army—First Class Reserves, Res. 237
Army—Royal Artillery and Engineers—Ar-
rivers of Indian Pay, Motion for a Select
Committee, 221
Army Estimates—Supply, Manufacture, &c. of
Warlike and other Stores, 835
Russia—Hon. Colonel Wellesley—Military At-
taché, 1035
United States—Philadelphia Exhibition, Re-
port, 1181

**HAY, Admiral Right Hon. Sir J. C. D.,
*Stamford***

Navy—H.M.S. "Inflexible," Committee of In-
quiry, 972, 1320
Navy—Naval Education—H.M.S. "Inflexible,"
Res. 911
Supreme Court of Judicature (Ireland), Comm.
82

HAYTER, Mr. A. D., *Bath*

Army—Deficient Transport—Windsor Review,
1523
Army Estimates—Miscellaneous Questions
Military Law, Administration of, 627
Militia Pay and Allowances, 632
Miscellaneous Effective Services, 838
Supply—Embassies and Missions Abroad, 1410

HENLEY, Right Hon. J. W., *Oxfordshire*
Divine Worship Facilities, 2R. 781
Locomotives on Common Roads, 2R. 49

HENNIKER, Lord
Prisons, 2R. 393

HENRY, Mr. Mitchell, *Galway Co.*

Army—Militia Surgeons—The Warrant, 609
National School Teachers and Tenant-Right,
1326
Stationery Office, Controller of the—Appoint-
ment of Mr. T. D. Pigott, Res. 1341
Supply—Civil Services and Revenue Depart-
ments, 475
Public Works in Ireland, 1280, 1283
Supreme Court of Judicature (Ireland), Consid.
cl. 18, 862

HERMON, Mr. E., *Preston*

Estimates, The, 1876-7—Writ and Seal Office
(Ireland), Res. 1028
Indian Civil Service—Admission of Candidates,
458
Printed Returns, Cost of, 1738
South Africa, Consid. Preamble, 1826
Supply—Colonial Local Revenue, &c. 1417

HERSCHELL, Mr. F., *Durham*

East India—Mr. Fuller and Mr. Leeds—In-
dependence of Judges of the High Courts, Res.
450
Supreme Court of Judicature (Ireland), Comm.
36

HERVEY, Lord F., *Bury St. Edmunds*

Education Department—Allowances and Pen-
sions of Teachers, 1069
South Africa, Consid. Preamble, 1837, 1841

HEYGATE, Mr. W. U., *Leicestershire, S.*
Townlands and Towns (Ireland)—Alphabetical
Index, 815

HIBBERT, Mr. J. T., *Oldham*

Church Patronage, Res. 312
Convict Prisons—Discipline and Management,
Address for a Royal Commission, 1377
Gibraltar—Trade Regulations, 1563
Prisons, 3B. 13

Highways—Legislation

Question, Sir George Jenkinson; Answer, Mr.
Sclater-Booth June 25, 186

Hogg, Lt.-Colonel Sir J. M., *Truro*
Metropolis Buildings Acts—Height of Buildings, 1857
Parliament — Privilege — Reflections in this House, 828
Thames Floods (Metropolis), 191
Thames River (Prevention of Floods), 92

HOLKER, Sir J. (*see* ATTORNEY GENERAL, The)

HOLLAND, Sir H. T., *Midhurst*
South Africa, 2R. 990; Comm. 1764
Supply—Admiralty Registrar and Marshal of the Probate, &c. of the High Court of Justice, 1293

HOLMS, Mr. J., *Hackney*
Army—First Class Reserves, Res. 223, 229, 238, 241
Army Estimates—Reserve Force Pay, &c. 831
Public Health (Metropolis), 817
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1330, 1571; —Rescinding of Res. 1696, 1701, 1703, 1712

HOME, Captain D. Milne, *Berwick*
Army Veterinary Department—Candidates, 597
Church Rates Abolition (Scotland), 2R. 1151
Supply—Learned Societies and Scientific Investigation, 1402

HOOD, Lt.-Colonel Hon. A. W. N., *Somerset, W.*
Army Estimates—Yeomanry Cavalry Pay, &c. 643

HOPE, Mr. A. J. B. Beresford, *Cambridge University*
Divine Worship Facilities, 2R. 778
Parliament—Business of the House, Res. 1671

HOPWOOD, Mr. C. H., *Stockport*
Roberts Court Martial, Motion for an Address, 932
Supreme Court of Judicature (Ireland), Considered, 13, 856
Vaccination Act Prosecutions—Case of Joseph Abel, 194
Vaccination, Res. 740

HUBBARD, Right Hon. J. G., *London*
Inland Revenue—Collection of Taxes, Res. 416

HUNTLY, Marquess of
Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. Previous Question moved, 949

HUTCHINSON, Mr. J. D., *Halifax*
Local Government Board—Engineer Inspectors, 484

Hypothec (Scotland) Bill

(*Mr. Agnew, Sir William Stirling Maxwell, Mr. Baillie Hamilton, Sir George Douglas*)
c. Bill withdrawn * July 24 [Bill 23]

Illegitimate Intestates Estates (England) — *Uporoff's Case*

Moved for, a Return of any allowances made out of the estate, and of any other application for allowance which have been made, and not acceded to by the Treasury" (*Mr. Colman*)
June 26, 1818

Illegitimate Intestates Estates (Scotland) — *Patersson's Case*—See title Scotland

Imbecile, Lunatic, and other Afflicted Classes (Ireland) Bill [H.L.]

(*The Lord O'Hagan*)

l. Moved, "That the Bill be now read 3rd July 5, 1877
Amend. to leave out ("now") and add ("this day three months") (*The Lord Oranmore and Browne*); after short debate, Amend., original Motion, and Bill withdrawn (No. 110)

Imprisonment for Debt Bill

(*Sir Eardley Wilmot, Mr. Stoeckley Hill, Mr. Watkin Williams*)

c. Ordered; read 1st * July 4 [Bill 230]

INCHIQUEIN, Lord

Imbecile, Lunatic, and other Afflicted Classes (Ireland), 2R. Bill withdrawn, 793

Inclosure of Commons Bill [H.L.]

l. Presented (*The Lord Steward*) July 2, 1890
Moved, "That the order of the 23rd of April last, relating to the First Reading of Inclosure Bills be suspended;" after short debate, Motion agreed to; Bill read 1st, and referred to the Examiners (No. 127)
Read 2nd * July 9
Committee *; Report July 17
Read 3rd * July 19
c. Read 1st * (*Sir Henry Selwin-Ibbetson*) July 23 [Bill 263]

INDIA

MISCELLANEOUS QUESTIONS

Affairs of Khelet, Question, Mr. Grant Duff; Answer, Lord George Hamilton July 26, 1859

Army Medical Service, Question, Sir Colman O'Loughlin; Answer, Lord George Hamilton June 21, 87

Church of England Missionaries and Indian Bishops, Question, Mr. A. Mills; Answer, Lord George Hamilton July 23, 1863

East India Irrigation Company, Question, Mr. Smollett; Answer, Lord George Hamilton July 26, 1857

[cont.]

INDIA—cont.

East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Question, Mr. Fawcett ; Answer, The Chancellor of the Exchequer June 25, 200 ; Observations, Mr. Lowe ; debate thereon June 28, 418

Estate of General Sombre, Question, The Earl of Denbigh ; Answer, The Marquess of Salisbury June 21, 81

Indian Civil Service—Admission of Candidates, Observations, Mr. Lyon Playfair ; short debate thereon June 28, 452

Indian War Charges, Question, Lord Frederick Cavendish ; Answer, The Chancellor of the Exchequer July 12, 1177

The Salt Duties, Question, Mr. Wilbraham Egerton ; Answer, Lord George Hamilton July 2, 599

India—Coolie Emigration to the British West Indies

Moved that an humble Address be presented to Her Majesty for, Copy of the despatch addressed by the Marquess of Salisbury to the Governor-General of India, dated 24th March 1875, respecting Coolie Emigration from India to the British West India Colonies ; together with copies of any subsequent despatches and correspondence on the same subject ; with the reply of the Government of India, and any documents accompanying the same (*The Lord Hampton*) July 20, 1556 ; after short debate, Motion agreed to

India—East India Loan—The Financial Statement

Order for Committee read ; Moved, "That Mr. Speaker do now leave the Chair" (*Lord George Hamilton*) June 21, 92

Amendt. to leave out from "That," and add the present rapid increase of the debt of India, notwithstanding the enjoyment of profound peace, is inconsistent with financial prudence, and renders necessary such a revision of the system as may provide, during times of peace and prosperity, a large margin of income applicable either to reduction of debt or to works really remunerative ; and, in order to carry the above securely into effect, a high and independent authority should decide whether expenditure which it is proposed to exclude from the ordinary account may be properly classed under 'extraordinary,' as being, from a commercial point of view, a prudent investment likely to pay" (*Sir George Campbell*) v. ; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

Main Question, "That Mr. Speaker, &c.," put, and agreed to ; matter considered in Committee

Moved, "That it is expedient to enable the Secretary of State in Council of India to raise a sum, not exceeding £5,000,000, for the service of the Government of India, on the Credit of the Revenues of India;" after short debate, Resolution agreed to

India—Kirwee Booty

Moved that there be laid before this House, Copy of a Protest, dated 29th June 1877, addressed to the Secretary of the Treasury for submission to the Government Departments concerned, by Major General Colin Mackenzie, C.B., on the part of claimants of the undistributed portion of the Kirwee Booty (*The Earl of Longford*) July 20, 1550 ; after short debate, Motion agreed to

India Tariff—Import Duties on Cotton Manufactures

Moved, "That, in the opinion of this House, the Duties now levied upon Cotton Manufactures imported into India, being protective in their nature, are contrary to sound commercial policy, and ought to be repealed without delay" (*Mr. Birley*) July 10, 1085

Amendt. to leave out from "That," and add "in the present condition of the finances of India, it is not possible to abandon the greater part of the Import Duties without an extensive re-adjustment of the financial system, and a fair consideration of other claims to remission of taxation" (*Sir George Campbell*) v. ; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

Amendt. to add, at the end of the Question, "so soon as the financial condition of India will permit" (*Lord George Hamilton*) ; Question, "That those words be there added," put, and agreed to

Main Question, as amended, put, and agreed to

Intoxicating Liquors (Ireland) Bill

(*Mr. Sullivan, Mr. Dease*)

c. Order for 2R. read July 18, 1424

A Point of Order, Observations, Mr. Sullivan After short debate, Moved, "That the Bill be now read 2^o," 1430

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Shaw*) ; after long debate, Question, "That 'now' &c.," put, and negatived

Words added ; main Question, as amended, put, and agreed to ; 2R. put off for three months [Bill 37]

Intoxicating Liquors (Licensing Boards)

Bill (*Mr. Joseph Cowen, Sir Henry Havelock, Mr. Norwood, Mr. Burt, Mr. Ernest Noel*)

c. Moved, "That the Bill be now read 2^o" July 18, 1471

Amendt. to leave out "now" and add "upon this day three months" (*Mr. Rodwell*) ; after short debate, Question put, "That 'now' &c.;" A. 85, N. 133 ; M. 48 (D. L. 234)

Words added ; main Question, as amended, put, and agreed to ; 2R. put off for three months [Bill 24]

IRELAND

MISCELLANEOUS QUESTIONS

Admiralty Courts, Cork and Belfast, Question, Mr. McCarthy Downing; Answer, The Attorney General for Ireland July 23, 1862

Boards of Guardians, &c., Questions, Mr. Staopole; Answer, Sir Michael Hicks-Beach July 19, 1821

Cattle Disease (Ireland) Act—Importation of Stock into Ireland, Question, Mr. Pemberton; Answer, Sir Michael Hicks-Beach July 16, 1826

Crime—Murder of Mr. Young, Question, Mr. E. Jenkins; Answer, Sir Michael Hicks-Beach June 28, 404;—*Protection of Life—Legislation*, Observations, Lord Granmore and Browne; short debate thereon July 18, 1297

Dublin Metropolitan Police—Case of Mr. J. A. Browne, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach June 26, 197

Fisheries—Chuckpoint Pier, Question, Mr. R. Power; Answer, Sir Michael Hicks-Beach July 26, 1856

Intermediate Education, Observations, Mr. O'Shaughnessy; Reply, Sir Michael Hicks-Beach July 20, 1626

Irish Land Act, 1870—Clerks of the Peace, Question, Mr. Charles Lewis; Answer, Sir Michael Hicks-Beach July 16, 1328

Law and Justice—Dunow Petty Sessions Clerkship, Question, Mr. Biggar; Answer, Sir Michael Hicks-Beach July 2, 595

Magistracy—Mr. William Ancketell, Questions, Mr. Sullivan; Answers, Sir Michael Hicks-Beach June 21, 92; July 10, 1046;—*The Revolution*, Question, Mr. W. Johnston; Answer, Mr. Fay June 27, 321

National Board of Education—Head Teachers of Model Schools, Question, Mr. Fay; Answer, Sir Michael Hicks-Beach June 25, 197;—*Lisnahanra School*, Question, Mr. Archdale; Answer, Sir Michael Hicks-Beach July 20, 1562

National School Teachers and Tenant-Right, Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach July 16, 1326

National Teachers Act, 1875—Workhouse Teachers, Question, Mr. Charles Lewis; Answer, Sir Michael Hicks-Beach July 16, 1337

Party Processions—Orange Procession at Lurgan, Question, Mr. Verner; Answer, Sir Michael Hicks-Beach July 26, 1852

Peace Preservation Act, 1871—The County of Louth, Question, Mr. Kirk; Answer, Sir Michael Hicks-Beach July 13, 1268;—*Extra Police in Counties*, Question, Mr. Kirk; Answer, Sir Michael Hicks-Beach July 13, 1268

Poor Law Unions, Question, Mr. Macartney; Answer, Sir Michael Hicks-Beach July 19, 1515

Recorder of Dublin—Office of Registrar, Question, Mr. Errington; Answer, The Attorney General for Ireland June 31, 82

Revision of the Irish Statutes, Question, Observations, Lord O'Hagan; Reply, The Lord Chancellor July 17, 1384

The Irish Constabulary—Salutes, Question, Major O'Gorman; Answer, Sir Michael Hicks-Beach July 19, 1522

IRELAND—cont.

Townlands and Towns—Alphabetical Index, Question, Mr. Heygate; Answer, Mr. W. H. Smith July 5, 815

Ireland—Inland Navigation

Moved, for a Return showing the amount of money granted by the Irish Parliament for the formation of the Royal Canal between the River Liffey at Dublin and the River Shannon, and for the amount of money granted by the Parliament of the United Kingdom of Great Britain and Ireland to the Inland Navigation Commissioners to complete the Royal Canal from the River Liffey at Dublin and the River Shannon (*The Earl of Leitrim*) July 2, 890; Motion agreed to

Board of Public Works—Committee of Inquiry—The Ballinamore and Ulster Canals, Observations, Captain O'Beirne; Reply, Sir Michael Hicks-Beach July 12, 1201; Question, Captain O'Beirne; Answer, Sir Michael Hicks-Beach July 23, 1659

Ireland—National School Teachers

Amendt. on Committee of Supply July 23, To leave out from "That," and add "in the opinion of this House, some means should, without further delay, be found to provide Irish National School Teachers with such remuneration for their services as will secure to them more certain incomes, and less dependent on contingencies than at present, and more commensurate with the services which they perform" (*Mr. Meldan*) v., 1728; Question proposed, "That the words, &c.;" after short debate, Question put, A. 119, N. 73; M. 37 (D. L. 246)

Ireland—Writ and Seal Office

Amendt. on Committee of Supply July 9, To leave out from "That," and add "this House is of opinion that the action of the Treasury in omitting to place a Vote on the Estimates for the financial year 1876-7, for the payment of the salary fixed by Statute to be paid to the Junior Clerk of the Writ and Seal Office in Ireland, to which office Mr. D. R. Pigot, junior, was appointed on the 26th day of November, 1875, as directed by the Statute 13 Vic. c. 18, s. 33, and the duties of which he still discharges, is inconsistent with the intentions and spirit of the Act 17 and 18 Vic. c. 94, by which the payments of salaries, declared payable by Statute to the holders of certain freehold offices held during good behaviour, were transferred from the Consolidated Fund to the Estimates, without any intention of thereby diminishing the security of such payments, further than subjecting them to the control of Parliament by an annual Vote of this House" (*Mr. Cogan*) v., 1623; Question proposed, "That the words, &c.;" after short debate, Question put; A. 227, N. 33; M. 189 (D. L. 227)

Irish Peerage Bill [H.L.]

(*Mr. Plunket*)

c. 2R., after short debate, Debate adjourned
July 11, 1864 [Bill 119]
Bill withdrawn * July 18

ISAAC, Mr. S., Nottingham

Civil Service Estimates—Education Votes—
Departmental Statement, &c. 1061

Italy

Germany—Reported Purchase of Horses, Question, Mr. Errington; Answer, Mr. Bourke
July 23, 1861

Reported Attack on Albania, Question, Mr. Wait; Answer, Mr. Bourke July 23, 1861

JACKSON, Sir H. M., Coventry

Supreme Court of Judicature (Ireland), Consid.
cl. 18, 863

JAMES, Sir H., Taunton

East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Court, Res.
440

Supply—Admiralty Registrar and Marshal of Probate, &c. of the High Court of Justice, 1293

Chancery Division of the High Court of Justice, 1286, 1287, 1289

Supreme Court of Judicature (Ireland), Consid.
cl. 10, 276

JAMES, Mr. W. H., Gateshead

Charity Commissioners — Betton's Charity, 1853

Turkey—Bosnia—Despatch of Consul Holmes, 1022

Vaccination, Res. 738

JENKINS, Mr. D. J., Penryn, &c.

Navy—Naval Education—H.M.S. "Inflexible," Res. 903

Red Sea, Navigation of the, 399

JENKINS, Mr. E., Dundee

Colonial Fortifications, 3R. 176

Crime (Ireland)—Murder of Mr. Young, 404

Parliament—Order of Business, 393

Privilege—Practice of this House, 828

Parliament—Supply—Order of Business, Res. 973

Roads and Bridges (Scotland), 1740

Roberts Court Martial, Motion for an Address, 923, 935

Russia and Bulgaria—The Czar's Proclamation, 1743

South Africa, 1045; Comm. 1763; Consid. Preamble, 1804, 1805, 1843; cl. 1, ib.

Supreme Court of Judicature (Ireland), Consid. add. cl. 1638, 1645, 1646, 1647

Turkey—Bulgaria—Protectorate of the Czar, 1819

JENKINSON, Sir G. S., Wiltshire, N.

Highways, 196

JERVIS, Colonel H. J. W., Harwich

Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 206

JOHNSTON, Mr. W., Belfast

Magistracy (Ireland), Res. 321

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 375

KAY-SHUTTLEWORTH, Sir U. J., Hastings

Dublin Central Tramways, Consid. 1655, 1657

KENEALY, Dr. E. V., Stoko-upon-Trent

Illegitimate Intestates Estates (Scotland), Res. 292

KIMBERLEY, Earl of

Prisons, 2R. 388; Comm. cl. 14, 871; cl. 18, 875

KINGSNOTE, Lieut.-Colonel, R. N. F., Gloucestershire, W.

Army—Numerical Titles of Line Regiments, 264

Cattle Plague—Spread of the Disease, 1829

Forest of Dean—Sale of Lands, 402, 970

KIRK, Mr. G. H., Louth

Intoxicating Liquors (Ireland), 2R. 1455

Peace Preservation (Ireland) Act, 1871 —

County of Louth, 1268

Extra Police in Irish Counties, 1268

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 725

KNATCHBULL-HUGGESSON, Right Hon. E. H., Sandwich

County Franchise and Re-distribution of Seats, Res. 543

Gibraltar—Trade Ordinance, 1739, 1740, 1858

South Africa, 2R. 994; Consid. Preamble, 1820, 1822

KNIGHT, Mr. F. W., Worcestershire, W.

Army Estimates—Volunteer Corps Pay, &c. 647

KNIGHTLEY, Sir R., Northamptonshire, S.

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1847;

—Rescinding of Res. 1727

LAING, Mr. S., Orkney, &c.

Church Rates Abolition (Scotland), 2R. 1147

India—East India Loan, Financial Statement, Comm. 196, 197, 144

India Tariff—Import Duties on Cotton Manufactures, Res. 1127

Russia and Turkey—The War—Asia Minor—Sir Arnold Kemball, 195

Turkey—Bosnia—Despatch of Consul Holmes, 1021

Landlord and Tenant (Ireland) Act (1870) Amendment Bill

(*Mr. Crawford, Mr. Richard Smyth, Mr. Dickson, Mr. Daniel Taylor*)

c. 2R., after short debate, Debate adjourned June 20, 57

Bill withdrawn * July 6 [Bill 51]

LANSLOWNE, Marquess of

Metropolitan Street Improvements, 2R. 68
Ordnance Survey—Reduction of Staff, 1287

LAW, Right Hon. H., Londonderry Co.

County Officers and Courts (Ireland), 2R. 173
Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1028

Indian Civil Service—Admission of Candidates, 462

Sale of Intoxicating Liquors on Sunday (Ireland), 1197

Supply—Dublin Metropolitan Police, 1376

Supreme Court of Judicature (Ireland), *Consid.* 157; *cl.* 6, 263, 265; *cl.* 8, 268; *cl.* 10, 272; *cl.* 51, *Amend.* 1537, 1538; *cl.* 70, 1544; *cl.* 73, *Amend.* 1546; *cl.* 74, 1577; *add. cl.* 1648

LAW AND JUSTICE

MISCELLANEOUS QUESTIONS

Assises, The, Question, Sir Walter B. Barttelot; Answer, Mr. Ascheton Cross June 21, 85; Questions, Sir Walter B. Barttelot, Mr. C. W. Wynn; Answers, Mr. Ascheton Cross June 25, 194; Question, Mr. C. W. Wynn; Answer, Mr. Ascheton Cross June 29, 486;—*Surrey Assises*, Question, The Earl of Onslow; Answer, The Lord Chancellor June 26, 256

Detention in Prison before Trial, Observations, Sir William Harcourt; Reply, Mr. Ascheton Cross July 16, 1354

Illegitimate Intestates Estates (England)—*Upcroft's Case*—See that title

Public Prosecutors, Question, Mr. Chadwick; Answer, Mr. Ascheton Cross July 19, 1519

Scotland—Illegitimate Intestates Estates—See that title

Stokesley County Court, Question, Mr. Wait; Answer, Mr. Ascheton Cross July 23, 1658

Law of Evidence Amendment Bill

(*The Lord Coleridge*)

l. Royal Assent June 28 [40 & 41 Vict. c. 14]

LAWRENCE, Sir J. J. T., Surrey, Mid

Vaccination, Res. 739

LAWSON, Sir W., Carlisle

Mediterranean Fleet—Besika Bay, 884, 914

Permissive Prohibitory Liquor, 2R. Bill withdrawn, 1796

Sale of Intoxicating Liquors on Sunday (Ireland), Report, 66; Re-comm. 337, 1191, 1192

Supreme Court of Judicature (Ireland), *Consid.* *add. cl.* 1627

LEATHAM, Mr. E. A., Huddersfield

Church Patronage, Res. 298, 317

LEKMAN, Mr. G., York

Supply—Chancery Division of the High Court of Justice, 1291

LEFEVRE, Mr. G. J. Shaw, Reading

Army—Aldershot Camp—Purchase of Chobham Ridges, 1514

Supply—Colonial Local Revenue, &c. 1413, 1416, 1417

Turkey—Bosnia—Despatch of Consul Holmes, 1010, 1017

Legal Practitioners Bill

(*Mr. William Gordon, Mr. Charley*)

c. Committee *; Report July 5 [Bill 43]

Considered * July 9

Read 3* July 10

l. Read 1* (*Viscount Hutchinson*) July 13 (No. 142)

LEIGH, Lord

Prisons, Comm. cl. 14, *Amend.* 869

LEIGHTON, Mr. S., Shropshire, N.

Locomotives on Common Roads, 2R. 56

LEITRIM, Earl of

Inland Navigation (Ireland), Motion for a Return, 590

LEWIS, Mr. C. E., Londonderry

Irish Land Act, 1870—Clerks of the Peace (Ireland), 1338

National Teachers Act, 1875 — *Workhouse Teachers*, 1327

Sale of Intoxicating Liquors on Sunday (Ireland), 823, 1198

Supply—Dublin Metropolitan Police, 1376

Land Registry Office, 1359

Miscellaneous Legal Charges, Ireland, 1383

Supreme Court of Judicature (Ireland), *Consid.* cl. 8, 270; cl. 51, 1538; cl. 74, 1575

University Education (Ireland), 2R. 1234

LEWIS, Mr. H. O., Carlow

National School Teachers (Ireland), Res. 1739

LIMERICK, Earl of

Prisons, Comm. cl. 35, 877

LLOYD, Mr. M., Beaumaris

Supply—Land Registry Office, 1361, 1363

Supreme Court of Judicature (Ireland), Comm. cl. 70, 1545

LLOYD, Mr. S. S., Plymouth

France—Treaty of Commerce—*Negotiations*, 1741

Inland Revenue—Collection of Taxes, Res. 412, 416

Local Finance—Scotch, Welsh, and Colonial Loans

Question, General Sir George Balfour; Answer, Mr. W. H. Smith July 16, 1938

Local Government Board—Engineer Inspectors

Question, Mr. Hutchinson; Answer, Mr. Selater-Booth June 29, 1884

Local Government Board's Provisional Orders Confirmation (Artisans and Labourers Dwellings) Bill [H.L.]

(The Earl of Jersey)

- l. Report of Select Comm. * July 10
Committee * July 12 (No. 139)
Report * July 13
Read 3^d * July 16
- c. Read 1^o * (Mr. Salt) July 17 [Bill 255]
Read 2^o * July 19

Local Government Board's Provisional Orders Confirmation (Atherton, &c.) Bill [H.L.] (The Earl of Jersey)

- l. Report of Select Comm. * July 19
Committee * July 20 (No. 86)
Report * July 28
Read 3^d * July 24
- c. Read 1^o * (Mr. Salt) July 26 [Bill 265]

Local Government Board's Provisional Orders Confirmation (Belper Union, &c.) Bill [H.L.] (The Earl of Jersey)

- l. Committee * June 28 (No. 87)
Report * June 29
Read 3^d * July 2
- c. Read 1^o * (Mr. Salt) July 5 [Bill 286]
Read 2^o * July 9
Committee *; Report July 17
Read 3^d * July 18
- l. Royal Assent July 23 [40 & 41 Vict. c. 132]

Local Government Board's Provisional Orders Confirmation (Bishop Auckland, &c.) Bill—Afterwards (Hyde, &c.) Bill [H.L.] (The Earl of Jersey)

- l. Read 2^d * June 21 (No. 93)
Committee * July 19
Report * July 20
Read 3^d * July 23
- c. Read 1^o * (Mr. Salt) July 24 [Bill 263]
Read 2^o * July 26

Local Government Board's Provisional Orders Confirmation (Caistor Union, &c.) Bill [H.L.] (The Earl of Jersey)

- l. Report of Select Comm. * July 19
Committee * July 20 (No. 94)
Report * July 28
Read 3^d * July 24
- c. Read 1^o * (Mr. Salt) July 26 [Bill 266]

Local Government Board's Provisional Orders Confirmation (Joint Boards) Bill [H.L.] (The Earl of Jersey)

- l. Committee * July 9 (No. 131)
Report * July 10
Read 3^d * July 12
- c. Read 1^o * (Mr. Salt) July 13 [Bill 248]
Read 2^o * July 20
Committee discharged; referred to Committee of Selection July 25

Local Government (Gas) Provisional Orders (Penrith, &c.) Bill (The Earl of Jersey)

- l. Royal Assent June 28 [40 & 41 Vict. c. 73]

Local Government Provisional Order (Sewage) Bill

(Mr. William Henry Smith, Sir Michael Hicks-Beach)

- c. Read 3^d * June 25 [Bill 175]
Committee *; Report July 3
Read 3^d * July 4
- l. Read 1^o * July 5 (No. 136)
Read 2^o * July 13
Committee *; Report July 13
Read 3^d * July 16
Royal Assent July 23 [40 & 41 Vict. c. 127]

Local Government Provisional Orders (Altrincham, &c.) Bill (The Earl of Jersey)

- l. Royal Assent June 28 [40 & 41 Vict. c. 77]

Local Government Provisional Orders (Bridlington, &c.) Bill (The Earl of Jersey)

- l. Read 3^d * June 21 (No. 107)
Committee * June 29
Report * July 2
Read 3^d * July 3
Royal Assent July 23 [40 & 41 Vict. c. 135]

Local Taxation—Highways and Turnpikes
Question, Mr. Severne; Answer, Mr. Solater-Booth July 19, 1890

Local Taxation (Returns) Bill (Mr. Solater-Booth, Mr. Salt)

- c. Ordered; read 1^o * June 25 [Bill 221]
Read 2^o * July 5

LOCKE, Mr. J., Southwark

Army Estimates—Reserve Force Pay, &c. 654

Locomotives on Common Roads Bill

(Colonel Chaplin, Mr. Charles Praed, Mr. Samuelson)

- c. 2R., after debate, Bill withdrawn June 30, 89 [Bill 22]

LONDON, Bishop of

Metropolitan Street Improvements, 2R. 70
Universities of Oxford and Cambridge, Re-comm. 1257

LONGFORD, Earl of

Kirwee Booty, Motion for a Paper, 1550, 1556

LOPES, Sir M., Devonshire, S.

Navy—Naval Education—H.M.S. "Inflexible," Res. 901
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 921

LOWE, Right Hon. R., London University

East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Res. 416
South Africa, 2R. 979
University Education (Ireland), 2R. 1890

LOWTHER, Mr. J. (Under Secretary of

State for the Colonies), *York City*
Barbadoes, Legislature of, 1665
Fiji Islands—Labour Traffic, 601
Gibraltar—New Custom House Regulations, 1170, 1563, 1564
Trade Ordinance, 1739, 1740
Malta—Food Taxes—Mr. Rowsell's Report, 1514
South Africa, 2R. 974; Comm. 1743, 1786, 1791; Consid. Preamble, 1798, 1804; cl. 1, 1843; cl. 3, 1844
South Africa Confederation—Transvaal Territory, 1170, 1527
Straits Settlements—Malay Peninsula—Expenses of the Campaign, 1387
Supply—Colonial Local Revenue, &c. 1413, 1414, 1415, 1416, 1417

LUBBOCK, Sir J., Maidstone

Civil Service Estimates—Education Votes—Departmental Statement, &c. 1049
Education Department—School Boards—Selection of Subjects, 1060
Parliament—Business of the House, Res. 1875
Post Office Money Orders, 2R. Motion for Adjournment, 1240
South Africa, Consid. Preamble, 1827
Supply—Learned Societies and Scientific Investigation, 1401
Public Education, Scotland, 1217
Supreme Court of Judicature (Ireland), Consid. cl. 18, 860

LUSH, Dr. J. A., Salisbury

Army—Medical Department, 609, 616
Medical Service, India, 1322
Illegitimate Intestates Estates (Scotland), Res. 292
Public Health—Small Pox (Metropolis), 1321
Supply—Police, Counties and Boroughs (Great Britain), 1366

LUSK, Sir A., Finsbury

Army Estimates—Commissariat, Transport, &c. Store Establishments, 832
Navy—Naval Education—H.M.S. "Inflexible," Res. 913
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 918
Prisons, 3R. 31
South Africa, Consid. Preamble, 1838
Supply—Wreck Commissioner, Office of, 1294

MCARTHUR, Mr. A., Leicester

Science and Art Department—Provincial Scientific, and Industrial Museums, 1350

MACARTNEY, Mr. J. W. E., Tyrone

Intoxicating Liquors (Ireland), 2R. 1451, 1452
Poor Law Unions (Ireland), 1515
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 330, 1300
South Africa, Consid. Preamble, 1833
Supreme Court of Judicature (Ireland), Consid. cl. 74, Amendt. 1547, 1577, 1578
University Education (Ireland), 2R. 1915, 1919, 1920

MACCARTHY, Mr. J. G., Mallow

Sale of Intoxicating Liquors on Sunday (Ireland), 1196

MACDONALD, Mr. A., Stafford

Boiler Explosions, 885
County Franchise and Re-distribution of Seats, Res. 538
Explosives Act—The Magistrates at Lancaster, 1513
Intoxicating Liquors (Ireland), 2R. 1448, 1449
Mines Act, 1872—Conviction of Mr. B. Thomas, 598
Mines (Scotland)—Inundation of the Home Farm Colliery, 1524
Post Office—Postal Messengers and Letter Carriers, 1734
South Africa, Consid. Preamble, 1813
Stationary Office, Controller of the—Appointment of Mr. T. D. Pigott—Rescinding of Res. 1695

MACGREGOR, Mr. D. R., Leith, &c.

Post Office—Postal Messengers and Letter Carriers, 1734

MAC IVER, Mr. D., Birkenhead

Gibraltar—New Custom House Regulations, 1169
Navy—Naval Education—H.M.S. "Inflexible," Res. 896, 913
Navy Estimates—Coast Guard Service and Royal Naval Reserves, &c. 919

McKENNA, Sir J. N., Fonghal

Public Works Loans (Ireland), Comm. cl. 2, 144; Amendt. 145
Supreme Court of Judicature (Ireland), Comm. 35

MCLAGAN, Mr. P., *Linkithgowshire*
Church Rates Abolition (Scotland), 2R. 1139
Game Laws (Scotland) Amendment, Lords'
Amendts. Consid. 1037, 1241
Supply—Learned Societies and Scientific In-
vestigation, 1401

McLAREN, Mr. D., *Edinburgh*
Church Rates Abolition (Scotland), 2R. 1133,
1167
Illegitimate Intestates Estates (Scotland), Res.
295
Locomotives on Common Roads, 2R. 44
Parliament—Business of the Session, 1535
Post Office—Edinburgh Receiving House, 591
Roads and Bridges (Scotland), 1525
Supply—Learned Societies and Scientific In-
vestigation, 1396, 1399
Public Education, Scotland, 1219
Register House Departments, Edinburgh,
1372
Training Colleges, Res. 1054

**Malta—Food Taxes—Mr. Rowsell's Re-
port**
Question, Mr. Bayley Potter; Answer, Mr. J.
Lowther July 19, 1514

MANNERS, Right Hon. Lord J. J. B.
(Postmaster General), *Leicester-
shire, N.*
Post Office—Miscellaneous Questions
Camolin Post Office, Wexford, 593
Edinburgh Receiving House, 591
Female Telegraph Clerks, 91
Mail Bag—Tiverton Junction, 19
Mail Packet Contracts, 1742
Postal Messengers and Letter Carriers, 1734
Sunday Duty—Sheffield, &c. 1664
Telegraphic Communication (Ireland), 321
Telegraph Department—The Royal En-
gineers, 1324
Telegraph Offices, Closing of, 406
Telegraphs—Tipperary, 200
Waterford, 89
Post Office Money Orders, 2R. 1240

MANSFIELD, Earl of
Parliament—Election of Representative Peers
for Scotland—Earldom of Mar, Res. 952

Maritime Contracts Bill
(*Mr. Edward Stanhope, Sir Charles Adderley*)
c. Question, Mr. Hamond; Answer, The Chan-
cellor of the Exchequer June 28, 409
Bill withdrawn * June 28 [Bill 90]

**MARLBOROUGH, Duke of (Lord Lieute-
nant of Ireland)**
Crime (Ireland)—Protection of Life, 1307

Marriage Preliminaries (Scotland) Bill
(*Dr. Cameron, Mr. Baxter, Mr. M'Larn, Mr.
Ernest Noel, Mr. Edward Jenkins*)
a. Read 2* * June 20 [Bill 161]
Bill withdrawn * July 11

**Marriages Legalisation, Saint Peter's,
Almondsbury, Bill [H.L.]**

c. Committee *; Report June 19 [Bill 197]
Read 3* * June 21
l. Royal Assent June 28 [40, & 41 Vict. c. 72]

**Married Women's Property Act (1870)
Amendment Bill [H.L.]**
(*The Lord Coleridge*)

l. Moved, "That the Bill be now read 2*"
June 21, 71
Amendt. to leave out ("now,") and add
("this day three months"); after short de-
bate, Amendt., original Motion, and Bill
withdrawn (No. 74)

**Married Women's Property (Scotland)
Bill (Mr. Anderson, Sir Robert Anstruther,
Mr. M'Laren, Mr. Orr Ewing)**

c. Committee * (on re-comm.); Report July 18
Read 3* * July 19 [Bill 169]
l. Read 1* * (*The Earl of Rosebery*) July 20
Read 2* * July 24, 1736 (No. 154)
Committee *; Report July 26

MARTEN, Mr. A. G., *Cambridge*
Parliamentary and Municipal Registration,
Nomination of Select Committee, 1735, 1736

MARTIN, Mr. P., *Kilkenny Co.*
County Officers and Courts, Comm. cl. 59,
Amendt. 1792
Supreme Court of Judicature (Ireland), Comm.
159; cl. 51, 1538

MARTIN, Mr. P. W., *Rochester*
Locomotives on Common Roads, 2R. 54
Order—Committee of Supply, Res. 205

**Matrimonial Causes Acts Amendment
Bill (Mr. Herschell, Sir Henry Holland)**
c. Read 2* * June 28 [Bill 147]

MELDON, Mr. C. H., *Kildare*
County Officers and Courts (Ireland), 2R. 174;
Comm. cl. 59, 1792
Intoxicating Liquors (Ireland), 2R. 1441, 1452
Merchant Shipping Act—The "Cairo," 1860
National School Teachers (Ireland), Res. 1728
Parliament—Business of the Session, 1535
Parliament—Business of the House, Res. 1670
Sale of Intoxicating Liquors on Sunday (Ire-
land), 1188
Supply—Local Government Board, Ireland,
Amendt. 1237, 1238
Public Education, Ireland, 1227, 1235
Public Works in Ireland, 1283
Supreme Court of Judicature (Ireland), Consid.
34, 37; cl. 6, Amendt. 166, 264; cl. 8, 268,
270; cl. 10, 275; cl. 40, Amendt. 1536;
cl. 51, Amendt. 1538, 1539; cl. 63, Amendt.
1542; add. cl. 1628, 1641, 1648, 1650

MELLOR, Mr. T. W., Ashton-under-Lyme
 Army Estimates—Provisions, Forage, and other Services, 833
 East India Loan, 2R. 850
 Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1334

Mercantile Marine

MISCELLANEOUS QUESTIONS

Holyhead Harbour—Wreck of the "Edith," Question, Mr. French; Answer, Sir Charles Adderley June 28, 403; Question, Mr. French; Answer, Mr. E. Stanhope July 23, 1664

Lime Juice, Question, Mr. Anderson; Answer, The Chancellor of the Exchequer June 28, 406

Navigation of the Red Sea, Question, Mr. D. Jenkins; Answer, The Chancellor of the Exchequer June 28, 399

Spontaneous Combustion of Coal at Sea—Report of the Royal Commission, Question, Mr. Childers; Answer, Sir Charles Adderley June 28, 398

Merchant Shipping Acts

MISCELLANEOUS QUESTIONS

Deck Cargoes—The "Bustonvale," Question, Mr. Gourley; Answer, Sir Charles Adderley June 25, 192

The "Cairo," Question, Mr. Meldon; Answer, Sir Charles Adderley July 26, 1860

METROPOLIS

MISCELLANEOUS QUESTIONS

Artisans and Labourers' Dwellings Act—Demolitions in Fetter Lane, Observations, The Earl of Shaftesbury; Reply, Earl Beauchamp July 10, 1039

Cleopatra's Needle, Question, Lord Ernest Bruce; Answer, Mr. Gerard Noel June 25, 190

Hammersmith Bridge and the International Regatta, Question, Mr. Puleston; Answer, Mr. Ascheton Cross July 23, 1666

Indian and Colonial Museum—The Fife House Site, Question, Mr. Grant Duff; Answer, The Chancellor of the Exchequer July 26, 1855

Parochial Charities (City of London), Question, Mr. Fawcett; Answer, Mr. Ascheton Cross July 2, 594

St. Margaret's Church, Question, Sir George Bowyer; Answer, Mr. Gerard Noel June 21, 83;—*The Albert Memorial,* Question, Mr. Baillie Cochrane; Answer, The Chancellor of the Exchequer July 5, 814

Small-Pox (Metropolis), Question, Dr. Lush; Answer, Mr. Slater-Booth July 16, 1321

Street Traffic, Question, Mr. Gregory; Answer, Mr. Ascheton Cross July 26, 1858

Thames Floods, Question, Mr. Watney; Answer, Sir James M'Garel-Hogg June 25, 191

The New Lodge in Hyde Park, Question, Sir Charles W. Dilke; Answer, Mr. Gerard Noel July 12, 1168; Question, Mr. Rylands; Answer, Mr. W. H. Smith July 19, 1524

METROPOLIS—cont.

The Parks—Volunteer Drills, Question, Mr. Coope; Answer, Mr. Gathorne Hardy June 28, 408

Metropolis Buildings Acts—Height of Buildings

Question, Mr. P. A. Taylor; Answer, Sir James M'Garel-Hogg July 26, 1856

Metropolis Improvement Provisional Orders Confirmation Bill [H.L.]

c. Read 1^o June 21

[Bill 206]

Read 2^o June 25

Committee*; Report July 3

Read 3^o July 4

l. Royal Assent July 12 [40 & 41 Vict. c. 103]

Metropolis Improvement Provisional Orders Confirmation (Great Wild Street, &c.) Bill [H.L.]

(The Lord Steward)

l. Committee* June 26

(No. 81)

Report* July 2

Read 3^o July 3

c. Read 1^o July 5

[Bill 237]

Read 2^o July 9

Committee*; Report July 17

Read 3^o July 18

l. Royal Assent July 23 [40 & 41 Vict. c. 133]

Metropolis Toll Bridges Bill

(The Lord Wimmerleigh)

l. Report of Select Comm.* June 25

Committee* June 29

(No. 45)

Report* July 2

Read 3^o July 3

Royal Assent July 12 [40 & 41 Vict. c. 98]

Metropolis Water Act, 1871—Southwark and Vauxhall Water Supply

Question, Colonel North; Answer, Mr. Slater-Booth July 16, 1320

Metropolitan Board of Works (Money)

Bill (Mr. William Henry Smith, Mr.

Chancellor of the Exchequer)

c. Ordered; read 1^o July 16

[Bill 257]

Metropolitan Commons Provisional Order Bill (The Lord Steward)

l. Read 2^o June 25

(No. 111)

Committee* July 16

Report* July 17

Read 3^o July 19

Metropolitan Police—Gratuities for Special Service

Questions, Mr. Wait; Answer, Mr. Ascheton Cross July 24, 1738

Metropolitan Street Improvements Bill

l. Read 2^o, after short debate June 21, 63

MIDDLETON, Viscount
Prisons, 2R. 306
Universities of Oxford and Cambridge, 2R. 677

MILBANE, Mr. F. A., Yorkshire, N.R.
Divine Worship Facilities, 2R. 780

MILLS, Mr. A., Exeter
Education Department—School Boards—Selection of Subjects, 1066
India—Church of England Missionaries and Indian Bishops, 1662
South Africa, 2R. 999
South Africa Confederation—Transvaal Territory, 1170, 1527

Mines Act, 1872—Conviction of Mr. B. Thomas
Question, Mr. Macdonald; Answer, Mr. Assheton Cross July 2, 598

MINTO, Earl of
Game Laws (Scotland) Amendment, Report, *cl. 3*, Amendt. 147, 149; Amendt. 154
Preognition (Scotland)—Sudden and Suspicious Deaths, Motion for Returns, 1316

Money Laws (Ireland) Amendment Bill
(*Mr. Delahanty, Mr. Richard Power*)
c. Bill withdrawn * July 12 [Bill 198]

MONK, Mr. C. J., Gloucester City
Confessional, The, Res. 751
Divine Worship Facilities, 2R. 773, 774
Locomotives on Common Roads, 2R. 43
Parliament—Business of the House, 1563
Parliament—Business of the House, Res. Amendt. 1669, 1679
Russia—Hon. Colonel Wellesley—Military Attaché, 1032
Russia and Turkey—English Occupation of Constantinople, 967
South Africa, Consid. Preamble, 1805, 1806
Supply—Law Charges, 1286, 1289
Suez Canal (British Directors), 1418, 1419

MONTAGU, Right Hon. Lord R., Westminster
Parliament—Order—Committee of Supply, Res. 204, 261
Russia and Turkey—Austrian Policy, 401
University Education (Ireland), 2R. 1920

MONTGOMERY, Sir G. G., Peeblesshire
Church Rates Abolition (Scotland), 2R. 1133
Game Laws Scotland Amendment, Lords' Amendts. Consid. 1037, 1241
Illegitimate Intestates Estates (Scotland), Res. 302
Supply—Learned Societies and Scientific Investigation, 1401

MOORE, Mr. A. J., Clonsilla
Post Office Telegraphs—Tipperary, 300
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 701
University Education (Ireland), 2R. 1911

MOORE, Mr. S., Tipperary
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 703

MORGAN, Mr. G. Osborne, Denbighshire
Burials, 1182
Supreme Court of Judicature (Ireland), Consid. *cl. 6*, 187; *add. cl.* 1585

MORLEY, Earl of
Prisons, 2R. 392
Universities of Oxford and Cambridge, Re-comm. *cl. 15*, 1255; *add. cl.* 1266

MORLEY, Mr. S., Bristol
Science and Art Department—Provincial Scientific, and Industrial Museums, 1350

MORRIS, Mr. G., Galway
County Officers and Courts (Ireland), 2R. 172
Supreme Court of Judicature (Ireland), Consid. *cl. 6*, 264

MUNDELLA, Mr. A. J., Sheffield
County Franchise and Re-distribution of Seats, Res. 569
Inland Revenue—Collection of Taxes, Res. 415
Post Office—Sunday Duty—Sheffield, &c. 1663
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1346
Wine and Beerhouse Act (1869) Amendment, 1038

Municipal Corporations (New Charters) Bill [H.L.] (The Lord President)

l. Presented; read 1^o * June 29 (No. 125)
Read 2^o * July 3
Committee *; Report July 5
Read 3^o * July 6
c. Read 1^o * July 11 [Bill 244]

MUNTZ, Mr. P. H., Birmingham
Education Department—Conference on Domestic Economy, Birmingham, 1042
Inland Revenue—Collection of Taxes, Res. 414
South Africa, 1046
Supply—Chancery Division of the High Court of Justice, 1290
Supreme Court of Judicature (Ireland), Consid. *cl. 13*, 856

MUR, Colonel W., Renfrew
Army—Militia Surgeons—The Warrant, 608
Army Promotion and Retirement—The Warrant, 601
Army Estimates—Clothing Establishments, Services, and Supplies, 834
Reserve Force Pay, &c. 830
Volunteer Corps Pay, &c. 646
Russia—Hon. Colonel Wellesley—Military Attaché, 1034

MURPHY, Mr. N. D., Cork City

Intoxicating Liquors (Ireland), 3R. 1434, 1470
 Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. Amendt. 331, 367, 692, 1199
 Supreme Court of Judicature (Ireland), Comm. cl. 62, 1542

NAGHTEN, Colonel A. R., Winchester

Army—Miscellaneous Questions
 Numerical Titles of Line Regiments, 251
 Rifle Militia Regiments—Uniforms, 1517
 Troops for Foreign Service, 1859
 Army Estimates—Militia Pay and Allowances, 641

NAVY**MISCELLANEOUS QUESTIONS**

Arctic Expedition, The, Question, Captain Pim; Answer, Mr. A. F. Egerton June 21, 90

Designs of Ships of War—A Select Committee, Questions, Captain Pim; Answers, Mr. A. F. Egerton June 25, 203; June 26, 260

Dockyard Engineers at Malta, Question, Mr. J. Cowen; Answer, Mr. A. F. Egerton July 5, 818

English Officers in the Turkish Service, Question, Mr. W. Whitworth; Answer, Mr. A. F. Egerton July 10, 1043

Gunnery Lieutenants, Question, Captain Price; Answer, Mr. A. F. Egerton June 28, 400

H.M.S. "Alexandra"—Alleged Insubordination, Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton June 21, 85; Question, Captain Pim; Answer, Mr. A. F. Egerton June 28, 409

H.M.S. "Inflexible," Questions, Mr. Ashbury, Mr. E. J. Reed; Answer, Mr. A. F. Egerton June 25, 198; Observations, The Duke of Somerset; Reply, The Duke of Richmond and Gordon July 10, 1040; Questions, Captain Pim; Answers, Mr. A. F. Egerton July 12, 1181; July 16, 1325; July 26, 1858;—*Committee of Inquiry*, Question, Sir John Hay; Answer, The Chancellor of the Exchequer July 9, 972; Questions, Sir John Hay, Mr. Gourley; Answers, Mr. A. F. Egerton July 16, 1320;—*The Instructions*, Question, Mr. Ashbury; Answer, The Chancellor of the Exchequer July 19, 1522

[See title *Navy—H.M.S. "Inflexible" and "Captain"*]

H.M.S. "Monarch," Question, Mr. Gourley; Answer, Mr. A. F. Egerton July 19, 1516

H.M.S. "Repulse," Question, Mr. P. A. Taylor; Answer, Mr. A. F. Egerton June 28, 399

Keyham Factory—Case of Edward Owens, Question, Mr. Paleston; Answer, Mr. A. F. Egerton July 17, 1388

Naval Chaplains—The Society of the Holy Cross, Question, Mr. Whalley; Answer, Mr. A. F. Egerton July 9, 971

Naval Education, Observations, Mr. T. Brassey; Reply, Mr. A. F. Egerton; short debate thereon July 6, 891

Navigating Sub-Lieutenants, Question, Mr. Bruen; Answer, Mr. A. F. Egerton July 9, 968

Promotion and Retirement of Marines, Question, Mr. Gorst; Answer, The Chancellor of the Exchequer July 23, 1660

NAVY—cont.

Retired Naval Officers, Questions, Mr. P. A. Taylor; Answers, Mr. A. F. Egerton July 5, 818; July 13, 1178

The Herring Fisheries, Question, Mr. J. W. Barclay; Answer, Mr. A. F. Egerton July 9, 969

The New Naval College, Dartmouth, Questions, Mr. Edwards, Mr. Baillie Cochrane; Answers, Mr. A. F. Egerton July 5, 816; Question, Mr. Edwards; Answer, Mr. A. F. Egerton July 9, 970; Question, Sir Frederick Perkins; Answer, Mr. A. F. Egerton July 10, 1045; Question, Sir H. Drummond Wolff; Answer, Mr. A. F. Egerton July 12, 1179; Questions, Sir H. Drummond Wolff; Answers, The Chancellor of the Exchequer July 19, 1519; July 23, 1660

Navy—H.M.S. "Inflexible" and "Captain"

Moved, "That there be laid before this House, a Return to be added to the Return, Navy (H.M.S. 'Inflexible'), No. 295, 1877, the curve of stability, with the Report, dated 23rd August 1870, of H.M.S. 'Captain,' with the curves e, f, and g of H.M.S. 'Inflexible' set out thereon to the same scales; also the Letter of the late Chief Constructor, dated 23rd August, published in the 'Times,' 24th August 1870, and the submission of the late Controller, dated 24th August 1870, respecting the stability of H.M.S. 'Captain'" (*Captain Pim*) July 23, 1735; after short debate, Question put; A. 17, N. 25; M. 8 (D. L. 247)

Navy—Shipbuilding—The "Agamemnon" Class

Amendt. on Committee of Supply July 6, To leave out from "That," and add "it is inexpedient to build any more vessels of the 'Agamemnon' class until that type has been tried, and that the money proposed to be voted for such vessel be expended in building a vessel of war with full sail power, capable of cruising and blockading under sail alone, but able to steam when necessary 300 miles in 24 hours, with a coal supply for 7 days, and with an armament consisting of one armour piercing gun of the longest range, as well as Shrapnel and Gatling guns and torpedo apparatus" (*Captain Pim*) v. 204; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

NELSON, Earl

Ecclesiastical Commission (Church Building).
 Motion for a Paper, 188, 189
 Public Worship Regulation Act, Petition, 184d, 1849

NEWDEGATE, Mr. O. N., Warwickshire, N.

Parliament—Privilege—Practice of this House, 830
 Prisons, 3R. 15
 Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 327

New Forest Bill (*Mr. William Henry Smith, Mr. Chancellor of the Exchequer, Mr. Noel*)

c. Report of Select Comm.* June 22 [No. 281] Committee* (*on re-comm.*) ; Report June 25 Question, Sir Charles W. Dilke ; Answer, Mr. W. H. Smith June 26, 193

Read 3* June 26 [Bill 213]

i. Read 1* (*The Lord President*) June 28

(No. 123)
Moved, "That the Bill be now read 2*" July 5, 194

Amendt. to leave out ("now") and add ("this day three months") (*The Duke of Somerset*) ; after short debate, Amendt. withdrawn ; original Motion agreed to ; Bill read 2*

Report* July 9

Committee ; Report July 10, 1941 (No. 129)

Read 3* July 12

Royal Assent July 23 [40 & 41 Vict. c. 121]

NOEL, Right Hon. G. J. (*First Commissioner of Works*), *Rutland*

Cleopatra's Needle, 190

Illegitimate Intestates Estates (Scotland) —

Paterson's Estate, 407

Metropolis—New Lodge in Hyde Park, 1168

St. Margaret's Church, 83

NOLAN, Captain J. P., *Galway Co.*

Army Medical Department, 618

Army — Royal Artillery and Engineers — Arrears of Indian Pay, Motion for a Select Committee, 216

Army Estimates—Divine Service, 254

Military Law, Administration of, 629

Reserve Force Pay, &c. 650, 651

Colorado Beetle, 1180

County Officers and Courts (Ireland), 2R. 174 ; Comm. cl. 59, 1793

Indian Civil Service—Admission of Candidates, 463

Irish Peerage, 2R. 1166

National School Teachers (Ireland), Res. 1731

Public Health (Ireland), 2R. 1085

Public Works Loans (Ireland), Comm. cl. 2, Amendt. 144 ; cl. 4, Amendt. 145

Russia—Hon. Colonel Wellesley—Military Attaché, 1035

South Africa, Comm. 1786 ; Consid. Preamble, 1824, 1825

Supply—Civil Services and Revenue Departments, 474, 475 ; Motion for reporting Progress, 476

Constabulary, Ireland, 1379

General Survey and Valuation, Ireland, 1285

Local Government Board, Ireland, 1239

Public Education (Ireland), 1231, 1235

Public Works in Ireland, 1281, 1283

Supreme Court of Judicature (Ireland), Consid. cl. 13, 857 ; cl. 18, 859 ; cl. 74, 1579

Union Justices (Ireland), 2R. 765

University Education (Ireland), 2R. 1893

Norfolk and Suffolk Fisheries Bill

(*The Earl of Kimberley*)

i. Read 2* June 19 (No. 104)

Committee* June 28

Report* June 29

Read 3* July 3

Royal Assent July 12 [40 & 41 Vict. c. 98]

VOL. CXXV. [THIRD SERIES.]

NORTH, Colonel J. S., *Oxfordshire*

Army Medical Department, 612

Army—Royal Artillery and Engineers—Arrears of Indian Pay, Motion for a Select Committee, 213

Metropolis Water Act, 1871—Southwark and Vauxhall Water Supply, 1320

NORTHBROOK, Earl of

India—(Coolie Emigration), Motion for Papers, 1560

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Personal Statement, 1489

NORTHCOTE, Right Hon. Sir S. H.
(*see Chancellor of the Exchequer*)

NORWOOD, Mr. C. M., *Kingston-upon-Hull*

Intoxicating Liquors (Ireland), 2R. 1430

Navy—Naval Education—H.M.S. "Inflexible," Res. 910

Supply—Police, Counties and Boroughs (Great Britain), 1365

Wreck Commissioner, Office of, 1359

O'BEIRNE, Captain F., *Leitrim*

Army—Numerical Titles of Line Regiments, 254

Pay of Brevet Majors, 596

Army Estimates — Provisions, Forage, and other Services, 832

Supply, Manufacture, &c. of Warlike and other Stores, 836

Inland Navigation (Ireland) — Ballinamore Canal, 1201, 1659

Supply—Public Works in Ireland, Amendt. 1278, 1283

O'BRIEN, Sir P., *King's Co.*

Army Promotion—The Warrant, 155

Army Estimates—Administration of the Army, 838

Full Pay of Reduced and Retired Officers, &c. 840

Pay of General Officers, 838

Volunteer Corps Pay, &c. 647

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 712, 1193

Supreme Court of Judicature (Ireland), Consid. cl. 8, 267, 268, 269

O'CONOR DON, The, *Roscommon Co.*

Estimates, The, 1876-7 — Writ and Seal Office (Ireland), Res. 1031

Inland Navigation (Ireland) — Ballinamore Canal, 1203

Parliament—Public Business, 685

Supply—Civil Services and Revenue Departments, 472, 474

Public Education, Ireland, 2R. 1230

Public Works in Ireland, 1279, 1283

Supreme Court of Judicature (Ireland), Comm. 158

University Education (Ireland), 2R. 1922

3 T

O'DONNELL, Mr. F. H., *Dungarvan*

Army Estimates—Reserve Force Pay, &c.
 Motion for Adjournment, 652, 663, 654, 657
 County Franchise and Re-distribution of Seats,
 Res. 568
 East India Loan, 2R. 842
 Parliament—Business of the House, Res. 1679,
 1680, 1681, 1682, 1683, 1686
 South Africa, 2R. 1001; Comm. 1769, 1770,
 1771; Consid. Preamble, 1797, 1798, 1832,
 1836, 1837, 1838, 1839, 1840, 1841, 1842;
cl. 1, Amendt. 1843
 Supply—Constabulary, Ireland, 1381
 Supreme Court of Judicature (Ireland), Consid.
cl. 13, 866; *add. cl.* 1827, 1642, 1647
 Union Justices (Ireland), 2R. 770

O'DONOGHUE, The, *Tralee*

Colorado Beetle, 687
 Parliament—Business of the House, Res. 1685
 Post Office—Telegraphic Communication (Ire-
 land), 320
 Sale of Intoxicating Liquors on Sunday (Ire-
 land), Re-comm. 368, 372, 373, 376, 689,
 1200
 University Education (Ireland), 2R. 1897

O'GORMAN, Major P., *Waterford*

Army—Major De Dohse, 822
 Promotion and Retirement—The Warrant,
 201
 Army Estimates—Reserve Force Pay, &c.
 Motion for reporting Progress, 652, 658, 661
 County Officers and Courts (Ireland), Comm.
cl. 59, Motion for reporting Progress, 1793
 Criminal Law—Pardon of the Fenian Convicts,
 Res. 1591, 1597
 Intoxicating Liquors (Ireland), 2R. 145
 Irish Constabulary—Salutes, 1522
 Post Office, Waterford, 89
 Sale of Intoxicating Liquors on Sunday (Ire-
 land), Re-comm. 330, 1200
 Solicitors Examination, &c. Comm. 867
 South Africa, Comm. 1771; Consid. Preamble,
 Motion for reporting Progress, 1833, 1835
 Supply—Civil Services and Revenue Depart-
 ments, 475, 476
 Supreme Court of Judicature (Ireland), Consid.
 160; *cl.* 18, 860, 861, 862, 863

O'HAGAN, Lord

Crime (Ireland)—Protection of Life, 1311
 Imbecile, Lunatic, and other Afflicted Classes
 (Ireland), 2R. Bill withdrawn, 787, 794
 Irish Statutes, Revision of, 1384

O'LEARY, Dr. W. H., *Drogheda*

Sale of Intoxicating Liquors on Sunday (Ire-
 land), Re-comm. 715

**O'LOGHLEN, Right Hon. Sir C. M.,
*Clare Co.***

Army Estimates—Military Law, Administra-
 tion of, 255, 623, 631
 County Officers and Courts (Ireland), 2R. 169
 Estimates, The, 1876-7—Writ and Seal Office,
 (Ireland), Res. 1027
 India—Army Medical Service, 87
 Intoxicating Liquors (Ireland), 2R. 1429

O'LOGHLEN, Right Hon. Sir C. M.—*cont.*

Military Law, Motion for a Select Committee,
 38
 Order—Committee of Supply, Res. 203, 206
 Parliament—Supply—Order of Business, Res.
 972
 Roberts Court Martial, Motion for an Address,
 940
 Succession Duty Act—Double Duties—"The
 Attorney General v. Charlton," 818
 Supply, Report, 1548
 Supreme Court of Judicature (Ireland), Consid.
 159, 160; *cl.* 6, 167; *cl.* 8, 267; *cl.* 13, 855,
 856; *cl.* 18, Amendt. 864; *cl.* 51, Amendt.
 1539; *cl.* 62, 1541; *cl.* 64, 1542; *cl.* 74,
 Amendt. 1582; *add. cl.* 1586
 Union Justices (Ireland), 2R. 761

ONslow, Earl of

Law and Justice—Surrey Assizes, 256

ONslow, Mr. D. R., *Guildford*

East India Loan, 2R. 844
 India—East India Loan—Financial Statement,
 Comm. 130
 Sale of Intoxicating Liquors on Sunday (Ire-
 land), Re-comm. 325
 South Africa, Consid. Preamble, 1807

Open Spaces Metropolis Bill

(*The Duke of Westminster*)

I. Committee* July 16 (Nos. 24-149)
 Report* July 17
 Read 3* July 20

ORANMORE AND BROWNE, Lord

Confessional in the Church of England—"The
 Priest in Absolution," 883, 884
 Crime (Ireland)—Protection of Life, 1297,
 1315
 Imbecile, Lunatic, and other Afflicted Classes
 (Ireland), 2R. Amendt. Bill withdrawn, 792
 Society of the Holy Cross, 1242

Ordinance Survey—Reduction of Staff

Question, The Marquess of Lansdowne; An-
 swer, The Duke of Richmond and Gordon
 July 13, 1867

O'REILLY, Mr. M. W., *Longford Co.*

National School Teachers (Ireland), Res. 1730
 University Education (Ireland), 2R. 1915

O'SHAUGHNESSY, Mr. R., *Limerick*

County Officers and Courts (Ireland), 2R. 174
 Intermediate Education (Ireland), 1626
 Royal Dublin Society (No. 2), 2R. Amendt. 966
 Sale of Intoxicating Liquors on Sunday (Ire-
 land), Re-comm. 704
 Supply—Dublin Metropolitan Police, 1376
 Supreme Court of Judicature (Ireland), Consid.
 36, 157; *cl.* 6, 167, 264; *cl.* 70, 1544;
 Amendt. 1545; *add. cl.* 1642

O'SULLIVAN, Mr. W. H., Limerick Co.

Factors Act Amendment, Comm. 868
Inland Revenue—Spirits in Bond, 1041
Intoxicating Liquors (Ireland), 2R. 1428, 1455
Sale of Intoxicating Liquors on Sunday (Ireland), Report, 66; Re-comm. 324, 726, 1196
Solicitors Examination, &c. Comm. 865
Supply—Customs Department, Amendt. 1422
Supreme Court of Judicature (Ireland), Consid. cl. 18, 863; add. cl. 1627; Motion for Adjournment, 1629
Union Justices (Ireland), 2R. 752, 770

OXFORD, Bishop of

Universities of Oxford and Cambridge, Re-comm. cl. 15, 1261

Oyster and Mussel Fisheries Order Confirmation Bill [H.L.]

(*The Lord Elphinstone*)

- 1. Report * June 21 (No. 73)
- Read 3^o * June 22
- c. Read 1^o * June 26 [Bill 222]
- Read 2^o * June 29
- Committee *; Report July 9
- Considered * July 10
- Read 3^o * July 11
- 1. Royal Assent July 23 [40 & 41 Vict. c. 126]

PAGET, Mr. R. H., Somersetshire, Mid

Criminal Law—Conveyance of Prisoners, 1179

Parliament

LORDS—

Private Business—Dover and Deal Railway Bill, Observations, Earl Granville; Reply, The Earl of Redesdale July 26, 1844

COMMONS—

Order

Committee of Supply, Moved, "That this House will immediately resolve itself into the Committee of Supply" (*Mr. Chancellor of the Exchequer*) June 25, 303; after short debate, Motion agreed to; Observations, Lord Robert Montagu; Reply, Mr. Speaker June 26, 261

Metropolitan Commons Bill—Lords' Amendments, Question, Sir Charles W. Dilke; Answer, Mr. Speaker July 24, 1742

Privilege

Reflections on a Member of this House, Notice, Mr. Blake July 3, 684; Question, Mr. E. Jenkins; Answer, Mr. Speaker; short debate thereon July 5, 828

Reflections on the Speaker of this House, Question, Mr. Paleston; Answer, The Chancellor of the Exchequer; short debate thereon July 5, 824; — *Withdrawal of Motion*, Mr. Paleston; Explanation, Mr. Parnell; Observations, The Chancellor of the Exchequer; short debate thereon July 6, 887

Circulars to Members, Question, Mr. Forsyth; Answer, Mr. Speaker July 19, 1513

[cont.]

PARLIAMENT—COMMONS—cont.

Business of the House

Precedence of Government Business, Question, Mr. Monk; Answer, The Chancellor of the Exchequer July 20, 1563

Order of Business, Questions, Mr. W. E. Forster, Mr. Cogan, Mr. E. Jenkins; Answers, The Chancellor of the Exchequer June 27, 321; Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer July 24, 1743; — *University Education (Ireland) Bill*, Question, Mr. Butt; Answer, The Chancellor of the Exchequer June 29, 487; Question, Observations, The O'Connor Don; Reply, The Chancellor of the Exchequer July 3, 685

Scotch Bills, Question, Dr. Cameron; Answer, The Chancellor of the Exchequer July 5, 820

State of Public Business—The Half-past Twelve Rule, Question, Mr. Fortescue Harrison; Answer, The Chancellor of the Exchequer July 3, 685

Supply, Moved, "That after the Order of the Day for the Second Reading of the South Africa Bill, this House will resolve itself into the Committee of Supply" (*Mr. Chancellor of the Exchequer*) July 9, 972; short debate thereon

The Business of the Session, Question, Observations, The Marquess of Hartington; Reply, The Chancellor of the Exchequer; short debate thereon July 19, 1529

Cost of Printed Returns, Question, Mr. Hermon; Answer, Mr. Speaker July 24, 1738

Parliament—Business of the House

Moved, "That, for the remainder of the Session, Orders of the Day have precedence of Notices of Motion upon Tuesday, Government Orders having priority; and that Government Orders have priority upon Wednesday" (*Mr. Chancellor of the Exchequer*) July 23, 1668

Amendt. to leave out after "priority," in line 3, to end of Question (*Mr. Monk*); after debate, the Question "That the said Amendt. be withdrawn" being challenged, Question put, "That the words, &c.;" A. 386, N. 15; M. 371 (D. L. 244)

Main Question put; A. 321, N. 13; M. 308 (D. L. 245)

Parliament—Business of the House

Notice (*Mr. Paleston*) July 3, 688

To move, "That in Committee of the Whole House no Member have power to move more than once either that the Chairman do report Progress, or that the Chairman leave the Chair, and that no Member who has made one of those Motions have power to move the other in the same Committee"

Parliament—Business of the House—Late Sittings

Notice (*Mr. Whalley*) July 3, 688

Moved, "That the practice of commencing business in this House at hours varying on each day, and continuing its sittings up to indefinite and unreasonable hours of the night and morning is at variance with experience as to the proper mode of transacting

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[cont.]

Parliament — Business of the House — Late Sittings—cont.

public business, and alike inconsistent with the convenience of Members and the due discharge of the duties of this House" (*Mr. Whalley*) July 6, 868 [House counted out]

Parliament—County Franchise and Redistribution of Seats

Amendt. on Committee of Supply June 29, To leave out from "That," and add "in the opinion of this House, it would be desirable to adopt a uniform Parliamentary Franchise for Borough and County constituencies" (*Mr. Trevelyan*) v., 488; Question proposed, "That the words, &c.;" after long debate, Question put; A. 276, N. 220; M. 56
Div. List, A. and N. 585

Parliament — Election of Representative Peers for Scotland—Earldom of Mar

Moved, That upon hearing the Petition of the Earl of Mar and Kellie this House doth order that at all future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peers of Scotland, the Lord Clerk Register, or the Clerks of Session officiating in his name, do call the title of Mar in the Roll of Peers of Scotland in Parliament called at such elections in the place and precedence to which it has been declared by the resolution and judgment of this House on 26th February 1875 to be entitled according to the date of the creation of that Earldom, and in no other place, with a saving nevertheless as well to the said Earl of Mar and Kellie as to all other Peers of Scotland, their rights and places upon further and better authority showed for the same" (*The Duke of Buccleuch*); July 9, 947; Previous Question moved (*The Marquess of Huntly*); after short debate, Motion and original Motion withdrawn

Moved, That a Select Committee be appointed to consider the matter of the Petition of the Earl of Mar and Kellie presented on the 5th of June 1877, and the precedents applicable thereto; and to report thereon to the House (*The Lord Chancellor*); Motion agreed to; List of the Committee, 958

Parliament — Private Bills—Post Office (Telegraphs)—The Telegraph Clauses

Moved, "That it is not expedient to agree to the introduction of the clauses proposed by the Post Office for partial protection of their telegraphs into certain Private Bills" (*The Earl of Redesdale*) July 6, 878; after short debate, Motion withdrawn

The *Christchurch Gas Bill* having been read a third time, it was moved to insert certain of the clauses proposed by the Post Office Authorities to be inserted in Private Bills which may affect the Post Office Telegraph system; on Question, Motion agreed to
PROXIMA (*The Earl of Redesdale, Lord Hammer*)
July 16, 1295

Parliament—Wilful Obstruction of Business

Notice of Resolutions, Mr. Chancellor of the Exchequer July 25, 1815

South Africa Bill—Committee—On Motion that the Preamble be postponed, Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. O'Donnell*); Debate arising—and Mr. Parnell, Member for Meath, having in the course of Debate expressed, regarding further Progress of the Bill in Committee, "his satisfaction in preventing and thwarting the intentions of the Government in this respect," the Clerk was directed to take down those words, and the same were taken down accordingly:—

Motion made, and Question, "That the Chairman do report the same to the House," put, and agreed to

And the same having been reported to the House, it was Moved, "That Mr. Parnell, having wilfully and persistently obstructed Public Business, is guilty of a contempt of this House" (*Mr. Chancellor of the Exchequer*); Debate arising; Debate adjourned till Friday

Question, The Marquess of Hartington; Answer, The Chancellor of the Exchequer July 26, 1862; Order for resuming the adjourned debate read, and discharged

PARLIAMENT—HOUSE OF LORDS

Sat First

July 2—The Lord Minister, after the death of his Father

July 6—The Lord Byron, after the death of his Grandfather

July 24—The Lord Erskine, after the death of his Brother

PARLIAMENT—HOUSE OF COMMONS

New Members Sworn

June 26—Frank Hugh O'Donnell, esquire, *Dungarvan*

July 5—Viscount Mandeville, *County of Huntingdon*

New Writ Issued

July 26—For Great Grimsby, v. John Chapman, esquire, deceased

Parliamentary and Municipal Registration Bill (Mr. Marten, Mr. Torr, Mr. Dodds)

a. Nomination of Select Comm. July 23, 1735

Moved, "That the Select Comm. do consist of Twenty-one Members" (*Mr. Marten*):

Moved, "That the O'Donoghue be one other Member of the Comm.;" after short debate, Question put; A. 34, N. none (D. L. 248)
[Bill 59]

PARNELL, Mr. C. S., Meath

Army Estimates—Reserve Force Pay, &c. 651, 654, 655; Motion for Adjournment, 656, 657, 659, 660, 661

[cont.]

PARNELL, Mr. C. S.—*cont.*

Convict Prisons—Discipline and Management, Address for a Royal Commission, 1269, 1275, 1277
County Officers and Courts (Ireland), *Consid. cl. 43, Amendt. 1792; cl. 59, 1793*
Game Laws (Scotland) Amendment, Lords' Amendts. *Consid. Motion for Adjournment, 1037*
National School Teachers (Ireland), *Res. 1733*
Parliament—Miscellaneous Questions
Business of the Session, 1536
Privilege—Practice of this House, 829;—Reflections on the Speaker of this House—Explanation, 887
Parliament—Business of the House, *Res. 1671, 1674, 1682*
Parliament—Order—Committee of Supply, *Res. 203, 205*
Prisons, 3R. 30
Solicitors Examination, &c. Comm. Motion for Adjournment, 865, 866, 867
South Africa, Comm. 1768; *Consid. Preamble, 1805, 1806, 1807, 1808, 1809, 1810, 1812, 1813, 1814, 1833, 1834, 1835, 1838, 1841, 1842, 1843; cl. 3, Amendt. ib., 1844*
Supply—Civil Services and Revenue Departments, 475, 477
Colonial Local Revenue, &c. 1417
Constabulary, Ireland, 1390
County Prisons and Reformatories, Ireland, 1382
Customs Department, 1423
Dublin Metropolitan Police, 1375, 1378
Local Government Board, Ireland, 1237
Public Education, Ireland, 1232, 1236
Public Works in Ireland, 1286
Report, Motion for Adjournment, 1548, 1549
Wreck Commissioner, Office of, 1293
Supreme Court of Judicature (Ireland), *Consid. 34, 158, 159, 160, 161; cl. 6, Amendt. 168, 264, 265; cl. 7, Amendt. ib.; cl. 8, Amendt. ib., 271, 272; cl. 10, Amendt. 276, 277, 278, 279; cl. 17, Amendt. 858, 859; cl. 18, Amendt. ib.; Amendt. 860, 864; cl. 34, Amendt. 1530; cl. 48, Amendt. 1537; cl. 70, 1544; cl. 74, 1580; add. cl. 1585, 1586, 1587, 1627, 1629, 1633, 1640, 1643, 1645, 1646, 1648, 1649; Amendt. 1650; Motion for reporting Progress, ib.*
Votes on Account, 469

Patents for Inventions Bill

(*Mr. Attorney General, The Lord Advocate, Mr. Solicitor General for Ireland*)

c. Bill withdrawn * July 19 [Bill 64]

PRASE, Mr. J. W., *Durham, S.*

Criminal Law—Pardon of the Fenian Convicts, *Res. 1598*
Intoxicating Liquors (Licensing Boards), 2R. 1478
Vaccination, *Res. Amendt. 737*

PELL, Mr. A., *Leicestershire, S.*

Locomotives on Common Roads, 3R. 51

PEMBERTON, Mr. E. L., *Kent, E.*

Cattle Disease (Ireland) Act—Importation of Stock, 1326

PENNINGTON, Mr. F., *Stockport*

Vaccination Act—Case of J. Abel, 405

PENZANCE, Lord

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Personal Statement, 1489

PERCY, Right Hon. Earl, *Northumberland, N.*

Army—Militia Surgeons—Royal Warrant, 608
Numerical Titles of Line Regiments, 253
Army Estimates—Militia Pay and Allowances, 634
Vaccination, *Res. 732, 742, 750*

PERKINS, Sir F., *Southampton*

Navy—Naval College Site, Dartmouth, 1045

Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Mr. William Johnston, Dr. Cameron, Mr. Dalway.*)

c. Order for 2R. read, and discharged; Bill withdrawn July 25, 1795 [Bill 42]

Persia and Turkey

The Boundary, Question, Observations, The Earl of Harrowby; Reply, The Earl of Derby July 3, 681

The Persian Embassy, 1873, Question, Sir Thomas Chambers; Answer, Mr. Bourke July 16, 1322

Peru

The Peruvian Iron-clad "Huascar", Questions, Captain Pim; Answers, Mr. A. F. Egerton July 12, 1180; July 16, 1325

The Peruvian Loans of 1870-1872, Question, Mr. Rylands; Answer, Mr. Bourke July 17, 1391

Pier and Harbour Orders Confirmation (No. 1) Bill

(*The Lord Elphinstone*)

l. Read 2^a * June 25 (No. 112)
Committee *; Report July 5
Read 3^a * July 6
Royal Assent July 12 [40 & 41 Vict. c. 97]

Pier and Harbour Orders Confirmation (No. 2) Bill

(*The Lord Elphinstone*)

l. Read 2^a * June 25 (No. 113)
Committee * July 16
Report * July 17
Read 3^a * July 19

Pier and Harbour Orders Confirmation (No. 3) Bill

(*The Lord Elphinstone*)

l. Read 3rd June 19 (No. 100)
Royal Assent June 28 [40 & 41 Vict. c. 74]

PIM, Captain B., *Gravesend*

Navy—Miscellaneous Questions

Arctic Expedition, 90

H.M.S. "Alexandra"—The Reported Mutiny, 409

H.M.S. "Inflexible," 1181, 1325, 1858

Ships of War—A Select Committee, 203, 260

Navy—H.M.S. "Inflexible" and "Captain," Motion for a Paper, 1735

Navy—Naval Education—H.M.S. "Inflexible," Res. Amendt. 904

Navy Estimates—Coast Guard Service and Royal Naval Services, &c. 918, 920

Peru—Peruvian Iron-clad "Huascar," 1180, 1325

PLAYFAIR, Right Hon. Mr. Lyon, *Edinburgh and St. Andrew's Universities*

Army—Militia Surgeons—Royal Warrant, 1870, 606

Elementary Education, Expenditure on, 1079
Indian Civil Service—Admission of Candidates, 452

Science and Art Department—Provincial Scientific and Industrial Museums, 1353

Supply—Learned Societies and Scientific Investigation, 1392, 1398

Paris International Exhibition, 1403

Public Education in Scotland. Motion for reporting Progress, 1084, 1207

Plumstead Common—Legal Proceedings

Questions, Mr. Boord; Answers, The Chancellor of the Exchequer July 2, 600; July 16, 1329

PLUNKET, Hon. D. R., *Dublin University*

Irish Peerage, 2R. 1164

Landlord and Tenant (Ireland) Act (1870) Amendment, Amendt. 61, 64

University Education (Ireland), 2R. Amendt. 1887

Police Expenses Act Continuance Bill

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Ordered; read 1st July 30 [Bill 359]
Read 2nd July 23

Poor Law

The Boarding-out System, Question, Viscount Enfield; Answer, The Duke of Richmond and Gordon July 5, 809

Poor Law Amendment (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Bill withdrawn * July 19 [Bill 134]

POST OFFICE

MISCELLANEOUS QUESTIONS

Camolin Post Office, Wexford, Question, Mr. Redmond; Answer, Lord John Manners July 2, 593

Edinburgh Receiving House, Question, Mr. M'Laren; Answer, Lord John Manners July 2, 591

Mail Bag—Tiverton Junction, Question, Sir John Heathcoat Amory; Answer, Lord John Manners June 25, 190

Mail Packet Contracts, Question, Mr. Rathbone; Answer, Lord John Manners July 24, 1742

Postal Messengers and Letter Carriers, Observations, Mr. H. B. Samuels; Reply, Lord John Manners; short debate thereon July 21, 1733

Post Office Deliveries, Waterford, Question, Major O'Gorman; Answer, Lord John Manners June 21, 89

Sunday Duty—Sheffield, &c., Question, Mr. Mundella; Answer, Lord John Manners July 23, 1663

Telegraph Department

Closing of Telegraph Offices, Question, Mr. W. Beckett-Downes; Answer, Lord John Manners June 28, 406

Female Telegraph Clerks, Question, Dr. Cameron; Answer, Lord John Manners June 21, 91

Telegraphic Communication (Ireland), Question, The O'Donoghue; Answer, Lord John Manners June 27, 320

Telegraph Stations—Tipperary, Question, Mr. A. Moore; Answer, Lord John Manners June 25, 200

The Royal Engineers, Question, Sir Edward Watkin; Answer, Lord John Manners July 16, 1324

[See title—*Parliament—Private Bills—Post Office (Telegraphs)—The Telegraph Clauses*]

Post Office Money Orders Bill

(*Mr. William Henry Smith, Lord John Manners*)

c. Ordered; read 1st June 21 [Bill 313]
Moved, "That the Bill be now read 2nd—
July 12, 1240; Moved, "That the Debate be now adjourned" (*Sir John Lubbock*);
Motion agreed to; Debate adjourned

POTTER, Mr. T. B., *Rockdale*

Malta—Food Taxes—Mr. Russell's Report, 1514

POWER, Mr. J. O'Connor, *Moye*

Army—Courts Martial on Sergeant M'Carthy and others, 199

Army Estimates—Reserve Force Pay, &c.
Motion for reporting Progress, 650, 651, 652; Motion for Adjournment, 655, 656, 658, 659, 662

Volunteer Corps Pay, &c. 650

Criminal Law—Murder of Sergeant Brett, 201

Criminal Law—Pardon of the Fenian Convicts, Res. 1887, 1907, 1635

POWER, Mr. J. O'Connor—cont.

National School Teachers (Ireland), Res. 1733
Parliament—Business of the House, Res. 1683
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 365, 367, 372
South Africa, Consid. Preamble, 1829, 1835
Supply—Civil Services and Revenue Departments, 474, 476
Supreme Court of Judicature (Ireland), Consid. cl. 8, 270; cl. 18, 861

POWER, Mr. R., Waterford

Army Estimates—Reserve Force Pay, &c.
Motion for reporting Progress, 656, 658, 661
County Officers and Courts (Ireland), Comm. cl. 59, 1793
Fisheries (Ireland)—Chuckpoint Pier, 1856
Public Works Loans (Ireland), Comm. cl. 4, Motion for reporting Progress, 145
Russia and Turkey—The War—Russian Atrocities, 485, 1517
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 359

POWIS, Earl of

Prisons, Comm. cl. 14, 872; cl. 33, Amendt. 876
See of Sodor and Man, Address for a Return, 1
Universities of Oxford and Cambridge, Re-comm. cl. 16, Amendt. 1265

PRICE, Captain G. E., Devonport

Navy—Naval Education—H.M.S. "Inflexible," Res. 912

PRICE, Mr. W. E., Tewkesbury

Army—Auxiliary Forces, Officers of, 408
Numerical Titles of Line Regiments, 253
Navy—Gunnery Lieutenants, 400
Navy Estimates—Coast Guard Service and Royal Naval Reserve, &c. 919
Scientific Branch, 920

Prisons Bill

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Moved, "That the Bill be now read 3^o" June 19, 4

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Rylands*);
Question proposed, "That 'now,' &c.;"
after debate, Amendt. withdrawn

Main Question put, and agreed to; Bill read 3^o [Bill 121]

l. Read 1^o (*The Lord Steward*) June 21 (No. 116)

Read 2^o, after short debate June 28, 383

Committee; Report July 6, 869

Read 3^o July 9

Royal Assent July 12 [40 & 41 Vict. c. 21]

Prisons Act—The Prison Commissioners, Question, Mr. Ilbert; Answer, Mr. Ascheton Cross July 19, 1527

Lunatic Asylums, Question, The Earl of Sandwich; Answer, The Duke of Richmond and Gordon; Observations, Earl Cowper July 26, 1945

Prisons (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Committee^o; Report June 25 [Bills 3-219]

Committee^o (*on re-comm.*)—R.P. July 23

Committee^o (*on re-comm.*)—R.P. July 26

Prisons (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Committee^o (*on re-comm.*)—R.P. July 4

[Bill 124]

Provisional Orders (Ireland) Confirmation (Artisans and Labourers Dwellings) Bill [H.L.]

c. Read 2^o June 21 [Bill 201]

Committee^o; Report June 29

Read 3^o July 4

l. Royal Assent July 23 [40 & 41 Vict. c. 122]

Provisional Orders (Ireland) Confirmation (Ennis, &c.) Bill [H.L.]

c. Read 2^o June 21 [Bill 202]

Committee^o; Report June 29

Read 3^o July 4

l. Royal Assent July 23 [40 & 41 Vict. c. 123]

Provisional Orders (Ireland) Confirmation (Holywood, &c.) Bill

c. Committee^o—R.P. June 20 [Bill 192]

Report of Select Comm.^o July 3

Committee^o—R.P. July 5 [Bill 225]

Committee^o (*on re-comm.*); Report July 9

Read 3^o July 10

l. Royal Assent July 23 [40 & 41 Vict. c. 120]

Public Health

Public Health Act—The Parish of Ash, Question, Mr. A. H. Brown; Answer, Mr. Selator-Booth July 2, 596

Small-Pox (Metropolis), Question, Dr. Lush; Answer, Mr. Selator-Booth July 16, 1321

Public Health (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

c. Read 2^o, and committed to a Select Committee July 10, 1085 [Bill 116]

Select Committee nominated; List of the Committee July 19, 1550

Public Health (Metropolis) Bill

c. Question, Mr. J. Holms; Answer, Mr. Selator-Booth July 5, 817

Bill withdrawn^o July 19 [Bill 187]

Public Libraries Act (Ireland) Amendment Bill (The Lord O'Hagan)

l. Royal Assent June 28 [40 & 41 Vict. c. 16]

Public Loans Remission Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- a. Considered in Committee June 29
Resolution reported, and agreed to; Bill ordered; read 1st July 4 [Bill 326]
Read 2nd July 9
Committee*; Report July 12
Read 3rd July 13
l. Read 1st (Lord President) July 16 (No. 150)
Read 2nd July 26

Public Parks (Scotland) Bill

(*Mr. Porteus Harrison, Sir Windham Anstruther, Sir George Balfour, Dr. Cameron, Mr. William Holmes*)

- c. Bill withdrawn* July 18 [Bill 111]

Public Works Loans Bill

(*The Lord President*)

- l. Read 2nd June 28 (No. 88)
Committee*; Report June 29
Read 3rd July 2
Royal Assent July 12 [40 & 41 Vict. c. 19]

Public Works Loans (Ireland) Bill

(*Mr. Raikes, Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

- a. Committee—R.P. June 21, 144 [Bill 139]
Committee*; Report July 5
Considered* July 9
Read 3rd July 10
l. Read 1st (The Lord President) July 12
Read 2nd July 16 (No. 143)
Committee*; Report July 17
Read 3rd July 19
Royal Assent July 23 [40 & 41 Vict. c. 27]

PURLESTON, Mr. J. H., Deconport

Army Estimates—Reserve Force Pay, &c. 654

Barbadoes, Legislature of, 1665

Hammersmith Bridge and the International Regatta, 1666

Navy—Keyham Factory—Case of Edward Owens, 1388

Parliament—Business of the House, 688

Privilege—Reflections in this House, 824; Explanation, 887

South Africa, Consid. Preamble, 1808

Supreme Court of Judicature (Ireland), Consid. cl. 18, 864

Quarter Sessions (Boroughs) Bill

(*The Lord Winmarleigh*)

- l. Committee*; Report June 19 (No. 99)
Read 3rd June 21
Royal Assent June 28 [40 & 41 Vict. c.

RAIKES, Mr. H. O. (Chairman of Committees of Ways and Means), Chester

Army Estimates—Militia Pay and Allowances, 633

Pay of General Officers, 839

Reserve Force Pay, &c. 652, 653, 654, 661, 830, 831

Church Patronage, Res. 317

Civil Service Estimates—Education Votes—Departmental Statement, &c. 1051

Dublin Central Tramways, Consid. 1656

Factors Act Amendment, Comm. 868

Solicitors Examination, &c. Comm. 866

South Africa, Consid. Preamble, 1797, 1798, 1800, 1806, 1807, 1808, 1809, 1810, 1834, 1835, 1836, 1837, 1839, 1842

Supply—Civil Services and Revenue Departments, 475, 476, 477

Constabulary, Ireland, 1379, 1381

Customs Department, 1423

Dublin Metropolitan Police, 1376

Public Works in Ireland, 1379

Supreme Court of Judicature (Ireland), Consid. 158; cl. 10, 278; cl. 18, 866, 862, 863, 864; add. cl. 1586, 1587, 1630, 1635, 1643, 1646, 1647

Tasmanian Main Line Railway, 3R. 612

RAMSAY, Mr. J., Falkirk, &c.

Church Patronage, Res. 318

Church Rates Abolition (Scotland), 2R. 1143, 1144

Supply—Broadmoor Criminal Lunatic Asylum, 1367, 1371

Courts of Law and Justice, Scotland, 1371

Land Registry Office, 1369

Learned Societies and Scientific Investigation, 1399

Local Government Board (Ireland), 1239

Public Education, Scotland, 1312, 1313

Public Works in Ireland, 1383, 1385

Training Colleges, Res. 1058

RATHBONE, Mr. W., Liverpool

Education Department—Allowances and Pensions to Teachers, 1071

Post Office—Mail Packet Contracts, 1742

Real Estate of Intestates Bill

Afterwards—

Real Estate Intestacy Bill

(*Mr. Potter, Mr. Leatham, Mr. Hespwood, Mr. Price, Sir Wilfrid Lawson*)

- c. Bill withdrawn* July 3 [Bill 46]

REDESDALE, Earl of (Chairman of Committees)

Burial Acts Consolidation, Report, Bill withdrawn, 184

Inclosure of Commons, 1R. 591

Metropolitan Street Improvements, 2R. 71

Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. 951

Post Office (Telegraphs) Res. 879, 883

1 Railway, 1648

REDMOND, Mr. W. A., Wexford
 Post Office—Camolin Post Office, Wexford, 593
 Prisons (Scotland)—Catholic Prisoners, 1661

REED, Mr. E. J., Pembroke
 Navy—H.M.S. "Inflexible," 198, 199
 Navy—Naval Education—H.M.S. "Inflexible,"
 Res. 896, 897, 899, 901, 906

Registered Writs Execution (Scotland)
Bill (*The Lord Advocate, Mr. Secretary Cross*)

- c. Committee *—*n.p.* July 4 [Bill 133]
 Committee *; Report July 9
 Read 3^o July 10
 l. Read 1^o (*The Lord President*) July 12 (No. 144)
 Read 2^o July 17
 Committee * July 20
 Report * July 23
 Read 3^o July 24

Registration of Leases (Scotland) Act
(1857) Amendment Bill

(*Mr. Montgomerie, Mr. Mackintosh, Sir William Cuninghame*)

- c. Ordered; read 1^o July 11 [Bill 246]
 Read 2^o July 18
 Committee *; Report July 19
 Read 3^o July 20
 l. Read 1^o (*The Lord Gordon of Drumearn*)
 July 23 (No. 156)
 Read 2^o July 26

REPTON, Mr. G. W. J., Warwick
 France—Passports, 1178

Reservoirs Bill

(*The Earl of Jersey*)

- l. Read 2^o June 25 (No. 103)
 Committee * July 5
 Report * July 6
 Read 3^o July 9

RICHMOND AND GORDON, Duke of (Lord
President of the Council)

Burial Acts Consolidation, Ministerial Statement, 67; Report, Bill withdrawn, 185
 Contagious Diseases (Animals) Act, 1869—
 Imported Cattle, 1652
 Endowed Schools Acts, Motion for an Address, 964
 Game Laws (Scotland) Amendment, Report, cl. 3, 149, 150; cl. 7, 151, 154; 3R. 483
 Imbecile, Lunatic, and other Afflicted Classes (Ireland), 2R. Bill withdrawn, 794
 Navy—H.M.S. "Inflexible," 1040
 New Forest, 2R. 794
 Ordnance Survey—Reduction of Staff, 1267
 Poor Law—The Boarding-out System, 809
 Precognition (Scotland)—Sudden and Suspicious Deaths, Motion for Returns, 1316
 Prisons, Comm. cl. 14, 871, 873
 Prisons Bill—Lunatic Asylums, 1845

RITCHIE, Mr. O. T., Tower Hamlets
 Army Estimates—Militia Pay and Allowances, 642
 Russia and Turkey—Russian Atrocities, 1175
 Supreme Court of Judicature (Ireland), Considered, cl. 1629
 Turkey—Bosnia—Despatch of Consul Holmes, 1022

Roads and Bridges (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Observations, Mr. Asheton Cross June 22, 155
 Committee *; Report June 22 [Bills 65-214]
 Questions, Sir Robert Anstruther, Sir Windham Anstruther; Answers, Mr. W. H. Smith
 July 11, 1129; Question, Mr. M'Laren; Answer, Mr. Orr Ewing July 19, 1525;
 Question, Mr. E. Jenkins; Answer, Sir Windham Anstruther July 24, 1740

Roads and Bridges (Scotland) (No. 2) Bill

(*Sir Edward Colebrooke, Sir Windham Anstruther, Colonel Mure*)

- c. Bill withdrawn * July 25 [Bill 72]

RODWELL, Mr. B. B. H., Cambridge-shires

Divine Worship Facilities, 2R. 779
 Dublin Central Tramways, Considered, 1654
 Intoxicating Liquors (Licensing Boards), 2R. Amendt. 1472

ROEBUCK, Mr. J. A., Sheffield

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 355

ROSEBURY, Earl of

Game Laws (Scotland) Amendment, Report, cl. 3, 148, 149, 150; cl. 7, 151, 152; Provision, 153, 154; 3R. Amendt. 480, 481, 482
 Married Women's Property (Scotland), 2R. 1736

Royal Dublin Society (No. 2) Bill

- c. Moved, "That the Bill be now read 2^o" July 9, 966
 Amendt. to leave out "now," and add "upon this day three months" (*Mr. O'Shaughnessy*); after short debate, Amendt. withdrawn
 Main Question put, and agreed to; Bill read 2^o

Royal Irish Constabulary Bill

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

- c. Read 1^o June 19 [Bill 203]
 Read 2^o June 21
 Committee *; Report June 23
 Read 3^o June 25
 l. Read 1^o (*The Lord President*) June 26
 Read 2^o July 3 (No. 120)
 Committee *; Report July 3
 Read 3^o July 5
 Royal Assent July 19 [40 & 41 Vict. c. 20]

RUSSELL, Sir C., *Westminster*
South Africa, Consid. Preamble, 1813

Russia—See title *Turkey*

RYLANDS, Mr. P., *Burnley*

Broadmoor Criminal Lunatic Asylum, Report of the Committee, 1002

Civil Service Estimates—Education Votes—Departmental Statement, &c. 1049

Gibraltar—Trade Regulations, 1864, 1740

Metropolis — New Lodge in Hyde Park, 1824

Navy—Naval Education—H.M.S. "Inflexible," Res. 903, 912

Navy Estimates—Coast Guard Services and Royal Naval Reserves, &c. 920

Peru—Peruvian Loans of 1870-1872, 1391

Prisons, 3R. Amendt. 4, 31

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Rescinding of Res. 1688

Supply—Broadmoor Criminal Lunatic Asylum, 1367

Convict Establishments in England and the Colonies, 1366

Embassies and Missions Abroad, Amendt. 1404, 1407

Land Registry Office, 1361

Learned Societies and Scientific Investigation, 1397

Superannuations and Retired Allowances, 1420

Supreme Court of Judicature (Ireland), Consid. cl. 74, 1572

Turkey—Bosnia and Herzegovina, 1663

British Ambassador at the Porte, 86

Votes on Account, 463, 467

ST. AUBYN, Sir J., *Cornwall, W.*

Army Estimates—Militia Pay and Allowances, 641

Army—Auxiliary Forces—Yeomanry Uniforms, 1861

Saint Catherine's Harbour, Jersey, Bill

(*Mr. William Henry Smith, Mr. Secretary Cross*)

c. Ordered; read 1^o July 16 [Bill 251]

Read 2^o July 19

Committee*; Report July 20

Read 3^o July 23

l. Read 1^o (*M. of Salisbury*) July 24 (No. 158)

Saint Stephen's Green (Dublin) Bill

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

c. Report of Select Comm.* June 25

Committee* (*on re-comm.*); Report June 28 Considered* June 29 [Bill 216]

Read 3^o July 4

l. Read 1^o (*The Lord President*) July 5

Read 2^o July 13 (No. 134)

Committee*; Report July 17

Read 3^o July 19

Royal Assent July 23 [40 & 41 Vict. c. 134]

Sale of Food and Drugs Act (1875) Amendment Bill

(*Mr. Isaac, Mr. Ashbury, Mr. Herchhoff*)

c. Ordered* July 23

Read 1^o July 25

[Bill 264]

Sale of Intoxicating Liquors on Sunday Bill

(*Mr. Charles Wilson, Mr. Birley, Mr. McArthur, Mr. Osborne Morgan, Mr. James*)

c. Bill withdrawn* July 18

[Bill 63]

Sale of Intoxicating Liquors on Sunday (Ireland) Bill

(*Mr. Richard Smyth, The O'Connor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Deane, Mr. Dickson, Mr. Redmond*)

c. Report of Select Comm. brought up June 20, 66

Report of Select Comm.* June 22 [No. 283]

Committee (*on re-comm.*) June 27, 332 [Bill 140]

Moved, "That the first six Orders of the Day be postponed till after the Order for Committee on the Sale of Intoxicating Liquors on Sunday (Ireland) (*re-committed*) Bill" (*Mr. Chancellor of the Exchequer*); after short debate, Question put; A. 90, N. 23; M. 76 (D. L. 196)

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair," 330

Amendt. to leave out from "That," and add "in the opinion of this House, it is not expedient that the provisions of this Bill should be extended to the whole of Ireland" (*Mr. Murphy*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. McCarthy Downing*); Question put; A. 37, N. 256; M. 219 (D. L. 197)

It being after a quarter of an hour before Six of the clock, the Debate stood adjourned

Debate resumed July 3, 689; after long debate, it being ten minutes before Seven of the clock, the Debate stood adjourned

Question, Mr. Charles Lewis; Answer, The Chancellor of the Exchequer July 5, 823; Question, Mr. Richard Smyth; Answer, The Chancellor of the Exchequer July 12, 1182; Moved, "That this House do now adjourn" (*Mr. Sullivan*); after debate, Question put, and negatived

SALISBURY, Marquess of (Secretary of State for India)

India (Coolie Emigration), Motion for Papers, 1568

India—Estate of General Sombre, 81

Inland Navigation (Ireland), Motion for a Return, 590

Kirwee Booty, Motion for a Paper, 1584

Universities of Oxford and Cambridge, 2R. 643.

678, 690; *Re-comm.* cl. 15, 1349; cl. 16, 1264, 1265; add. cl. 1266; Report, cl. 18, Amendt. 1266

SAMUDA, Mr. J. D'A., *Tower Hamlets*
Navy—Naval Education—H.M.S. "Inflexible,"
Res. 902, 911

SAMUELSON, Mr. B., *Banbury*
Civil Service Estimates—Education Votes—
Departmental Statement, &c. 1051
Locomotives on Common Roads, 2R. 50
Training Colleges, Res. 1053

SAMUELSON, Mr. H. B., *Frome*
Army—School of Military Engineering at Chat-
ham, 1175
Troops for Foreign Service, 1860
Post Office—Postal Messengers and Letter
Carriers, 1733
Turkey—Outrages in Armenia, 1664

SANDERSON, Mr. T. K., *Wakefield*
Trades' Unions—South Yorkshire Miners' As-
sociation, 813

**SANDON, Right Hon. Viscount (Vice
President of Committee of Council
on Education), *Liverpool***
Cattle Plague—Spread of the Disease, 1329
Charity Commissioners—Beton's Charity, 1853
Civil Service Estimates—Education Votes—
Departmental Statement, &c. 1047, 1052
Colorado Beetle, 410
Education Department—Conference on Domes-
tic Economy, Birmingham, 1043
The Confessional, 259
Education—Endowed Schools—Tonbridge
School, 1658
Elementary Education Act—School District in
Lincolnshire, 410
Elementary Education, Expenditure on, 1075
Endowed Schools—Stamfordham School, 1177
Science and Art Department—Provincial Scien-
tific, and Industrial Museums, 1351, 1352
Supply—Public Education, England and Wales,
1079
Public Education, Scotland, 1204, 1221
Training Colleges, Res. 1055
United States—Philadelphia Exhibition, Report,
1181

SANDWICH, Earl of
Prisons Bill—Lunatic Asylums, 1845, 1846

Science and Art Department
National Gallery—David Roberts, R.A.,
Question, Mr. Collins; Answer, The Chan-
cellor of the Exchequer July 2, 592
Provincial Scientific, and Industrial Museums,
Observations, Mr. Chamberlain; Reply,
Viscount Sandon; short debate thereon
July 16, 1348

**SCLATER-BOTH, Right Hon. G. (Presi-
dent of the Local Government
Board), *Hampshire, N.***
Elementary Schools—Case of John Jermy,
1862
Highways, 196

SCLATER-BOTH, Right Hon. G.—cont.
Local Government Board—Engineer Inspec-
tors, 484
Local Taxation—Highways and Turnpikes, 1520
Locomotives on Common Roads, 2R. 52
Metropolis Water Act, 1871—Southwark and
Vauxhall Water Supply, 1320
Parliament—Business of the Session, 1534
Public Health Act—Parish of Ash, 596
Public Health (Metropolis), 817
Public Health—Small Pox (Metropolis), 1321
Vaccination Act—Penalties, 398; Res. 741

SCOTLAND

MISCELLANEOUS QUESTIONS

*Coal Mines—Home Farm Colliery, Inundation
of the,* Question, Mr. Macdonald; Answer,
Mr. Ascheton Cross July 19, 1524
Game Laws—Employment of Constables, Ques-
tion, Mr. J. W. Barclay; Answer, Mr.
Ascheton Cross July 16, 1818
Herring Fisheries, Question, Sir William
Cuninghame; Answer, Mr. E. Stanhope
July 5, 812

Law and Justice

*Prisons—Roman Catholic Prisoners—At
Irvine,* Question, Mr. Anderson; Answer,
The Lord Advocate July 5, 821; Question,
Mr. Redmond; Answer, Mr. Ascheton Cross
July 23, 1661;—*In Perth Gaol,* Question,
Mr. McCarthy Downing; Answer, Mr. Asche-
ton Cross July 26, 1855

Scotland—Illegitimate Intestates Estates

Moved, "That, in the opinion of this House, it
is inexpedient for the Treasury to depart,
without previous notice, from the immemorial
custom of Scotland, and for the first time to
appropriate the estate of an intestate bastard
when there are blood relations who, if he had
been legitimate, would have been his next of
kin according to the Law of Scotland" (*Colo-
nel Alexander*) June 26, 279; after debate,
Question put; A. 135, N. 197; M. 62 (D. L.
195)

Paterson's Estate. Question, Mr. Ernest Noel;
Answer, The Chancellor of the Exchequer
June 28, 407

Scotland—Precognition—Sudden and Sus- picious Deaths

Moved for, Returns from each county in Scot-
land of the number of cases of sudden death
or of death under suspicious or unknown cir-
cumstances which have been the subject of
precognition by procurators fiscal in each of
the years 1875-76; also specifying the num-
ber of such cases as have afterwards been the
subject of criminal trials" (*The Earl of
Minto*) July 16, 1316; after short debate,
Motion amended, and agreed to

SEELY, Mr. O., *Lincoln City*
Parish Churchyards, Discontinuing Services in,
1659

SELBORNE, Lord

Married Women's Property Act (1870) Amendment, 2R. 80
Parliament—Election of Representative Peers for Scotland—Earldom of Mar, Res. 953
Prisons, Comm. *cl.* 14, 872

SELKIRK, Earl of

Game Laws (Scotland) Amendment, Report, *cl.* 3, Amendt. 149; *cl.* 7, Amendt. 151, 152, 153; 3R. Amendt. 480, 483

SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), Essex, W.

Army Estimates—Reserve Force Pay, &c. 662
Convict Prisons—Discipline and Management, Address for a Royal Commission, 1277
Intoxicating Liquors (Licensing Boards), 2R. 1475
Supply—Metropolitan Police, 1362
Police, Counties and Boroughs (Great Britain), 1364

Settled Estates Bill

(*The Lord Winmarleigh*)

l. Royal Assent June 28 [40 & 41 Vict. c. 18]

SEVERNE, Mr. J., Shropshire

Local Taxation—Highways and Turnpikes, 1520

SHAFTESBURY, Earl of

Artisans and Labourers Dwellings Act—Demonstrations in Fetter Lane, 1039

SHAW, Mr. W., Cork Co.

Intoxicating Liquors (Ireland), 2R. Amendt. 1435
Supreme Court of Judicature (Ireland), Consid. 36, 158, 159, 160; *cl.* 4, Amendt. 165; *cl.* 51, 1538; *cl.* 58, 1541; *cl.* 70, 1545; *cl.* 74, 1576; *add. cl.* 1637

Sheriff Courts (Scotland) Bill

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

c. Ordered; read 1^o June 21 [Bill 209]
Read 2^o July 9

SHERLOCK, Mr. Serjeant D., King's Co.

Christ's Hospital—Suicide of a Scholar, 1172, 1173
County Officers and Courts (Ireland), 2R. 171
Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1030
Supply—Public Works in Ireland, 1281
Supreme Court of Judicature (Ireland), Consid. *cl.* 6, Amendt. 262, 263; *cl.* 10, 274; *cl.* 58, 1540; *cl.* 64, 1543; *cl.* 70, *ib.*

SHUTE, Major-General C. C., Brighton

Army—Mounted Riflemen, 604
Army—First Class Reserves, Res. 236
Army Estimates—Provisions, Forage, and other Services, 833
Supply, Manufacture, &c. of Warlike and other Stores, 835
Roberts Court Martial, Motion for an Address, 929
Russia—Hon. Colonel Wellesley—Military Attaché, 1031, 1032

SIDEBOTTOM, Mr. T. H., Staleybridge

India Tariff—Import Duties on Cotton Manufactures, Res. 1108

SIMON, Mr. Serjeant J., Dewsbury

Army—Medals—Malay Campaign, 1854
Illegitimate Intestates Estates (Scotland), Res. 285
Prisons, 3R. 25
Roumania—Treatment of the Jews, 402

Slave Trade

Africa (East Coast)—Liberated Slaves, Question, Sir Robert Anstruther; Answer, Mr. Bourke July 19, 1518
Red Sea, Question, Mr. Anderson; Answer, Mr. A. F. Egerton June 21, 88; Question, Mr. Anderson; Answer, The Attorney General June 25, 199

SMITH, Mr. W. H. (Secretary to the Treasury), Westminster

British Museum—Salaries, 486
Civil Service Competition, 598
Civil Service Estimates—Education Votes—Departmental Statement, &c. 1049
Customs Department—Re-organization, 89
Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1026
Forest of Dean—Sale of Lands, 402, 970
Illegitimate Intestates Estates (Scotland), Res. 285
Inland Revenue—Stamp Office at Monaghan, 1854
Local Finance—Scotch, Welsh, and Colonial Loans, 1323
Metropolis—New Lodge in Hyde Park, 1524
New Forest, 193
Order—Committee of Supply, Res. 204
Public Works Loans (Ireland), Comm. *cl.* 2, 144; *cl.* 3, 145
Roads and Bridges (Scotland), 1129
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Rescinding of Res. 1710
Supply—Admiralty Registrar and Marshal of Probate, &c. of the High Court of Justice, 1293
Customs Department, 1422
Land Registry Office, 1359
Law Charges, 1286
Learned Societies and Scientific Investigation, 1397, 1399, 1402
Miscellaneous Expenses, 1421
Miscellaneous Legal Charges, Ireland, 1383
Public Works in Ireland, 1281, 1285
Register House Departments, 1374

SMITH, Mr. W. H.—cont.

Report, 1649

Suez Canal (British Directors), 1418

Superannuation and Retired Allowances, 1420

Wreck Commissioner, Office of, 1293

Townlands and Towns (Ireland)—Alphabetical Index, 315

SMOLLETT, Mr. P. B., Cambridge

County Franchise and Re-distribution of Seats, Res. 608

East India Irrigation Company, 1857

India—East India Loan, Financial Statement, Comm. 120

SMYTH, Mr. P. J., Westmeath Co.

Intoxicating Liquors (Ireland), 2R. 1468

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 376

SMYTH, Mr. R., Londonderry Co.

Customs Department—Re-organization, 89

Intoxicating Liquors (Ireland), 2R. 1466

National School Teachers (Ireland), Res. 1730

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. Motion for reporting Progress, 330, 689, 690, 1182, 1195

Supreme Court of Judicature (Ireland), Consid. cl. 13, 856; *add. cl.* Motion for reporting Progress, 1630, 1638, 1645, 1648

SOLICITOR GENERAL, The (Sir H. S. Giffard), Launceston

East India—Mr. Fuller and Mr. Leeds—Independence of Judges of the High Courts, Res. 438

Illegitimate Intestates Estates (Scotland), Res. 293

Solicitors Examination, &c. Bill [H.L.]

(Mr. Gregory)

c. Committee *—R.F. June 26 [Bill 190]

Committee—R.F. July 5, 865

Committee *; Report July 12

Read 3^o * July 13

l. Royal Assent July 23 [40 & 41 Vict. c. 25]

Solway Salmon Fisheries Bill

(The Lord Advocate, Mr. Secretary Cross)

c. Ordered; read 1^o * July 16 [Bill 250]

Read 2^o * July 19

Committee *; Report July 24

Read 3^o * July 26

SOMERSET, Duke of

Navy—H.M.S. "Inflexible," 1040

New Forest, 2R. Amendt. 800, 809; Comm. 1041

South Africa

Confederation—The Transvaal Territory, Questions, Mr. A. Mills; Answers, Mr. J. Lowther July 12, 1170; July 19, 1627

South Africa Bill [H.L.]

(Mr. J. Lowther)

c. Moved, "That the Bill be now read 3^o" July 9, 974

Amendt. to leave out "now," and add "upon this day three months" (Mr. Courtney); after debate, Question put, "That 'now' &c.;" A. 81, N. 19; M. 62 (D. L. 226)

Main Question put, and agreed to; Bill read 2^o [Bill 195]

Notice, Mr. E. Jenkins; Questions, Mr. W. E. Forster, Mr. Muntz; Answers, The Chancellor of the Exchequer July 10, 1045

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 24, 1743

Amendt. to leave out from "That," and add "no measure establishing a self-governing Federation for South Africa will be satisfactory, unless direct provision is made for a settlement of the relations of the white and black races" (Sir George Campbell) v.; after long debate, Question put, "That the words, &c.;" A. 221, N. 22; M. 199 (D. L. 249)

Main Question put; A. 229, N. 5; M. 224 (D. L. 250)

Committee—R.F.

Moved, "That 'the Preamble be postponed" July 25, 1797

Moved, "That the Chairman do report Progress, and ask leave to sit again" (Mr. O'Donnell); Debate arising; after angry discussion, it was moved, "That Mr. Parnell, having wilfully and persistently obstructed Public Business, is guilty of a contempt of this House;" Debate arising; Debate adjourned till Friday

Preamble postponed; after short time spent therein, Committee report Progress; to sit again To-morrow

Southern Pacific—The Samoa Islands

Question, Mr. Baxter; Answer, Mr. Bourke July 12, 1168

SPEAKER, The (Right Hon. H. B. W. BRAND), Cambridgeshire

Civil Service Estimates—Education Votes—Departmental Statement, &c. 1048, 1049

Convict Prisons—Discipline and Management, Address for a Royal Commission, 1273

Criminal Law—Pardon of the Fenian Convicts, Res. 1596, 1597, 1625

Divine Worship Facilities, 2R. 773

England and Russia, 1796

Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1025

Game Laws (Scotland) Amendment, Lords Amendts. Consid. 1241

Intoxicating Liquors (Ireland), 2R. 1429, 1430

Ladlord and Tenant (Ireland) Act (1870) Amendment, 65

Mediterranean Fleet—Besika Bay, 914

Navy—Naval Education—H.M.S. "Inflexible," Res. 901, 904

Parliament—Miscellaneous Questions

Cost of Printed Returns, 1738

Metropolitan Commons, Lords' Amendts. 1742

[cont.]

SPEAKER, The—cont.

Privilege—Circulars to Members, 1513 ;—
Practice of this House, 829 ;—Reflections on this House, Notice, 684, 824, 827, 828 ; Explanation, 890
Public Business, 689
Parliament—Business of the House, Res. 1673, 1680, 1681, 1682, 1683, 1686, 1687
Parliament—Order—Committee of Supply, Res. 203, 205, 261
Roads and Bridges (Scotland), 1526
Roberts Court Martial, Motion for an Address, 935
Russia—Hon. Colonel Wellealey, Military Attaché, 1032
Sale of Intoxicating Liquors on Sunday (Ireland), Report, 66 ; Re-comm. 323, 372, 373, 382, 690, 1192, 1194, 1195
South Africa, 2R. 1001 ; Comm. 1770, 1771 ; Consid. Preamble, 1810, 1811, 1812, 1813, 1814, 1826
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1571 ;—Rescinding of Res. 1697, 1703

SPINKS, Mr. Serjeant F. L., Oldham

County Franchise and Re-distribution of Seats, Res. 539
Supply—Paris International Exhibition, 1402

STACPOOLE, Captain W., Ennis

Army—Regimental Majors and Lieutenant Colonels, 1177
Boards of Guardians, &c. (Ireland), 1521
Intoxicating Liquors (Ireland), 2R. 1454
Roberts Court Martial, Motion for an Address, 946

STAIR, Earl of

Game Laws (Scotland) Amendment, Report, cl. 6, Amendt. 153, 154

STANHOPE, Hon. E., Lincolnshire, Mid

County Franchise and Re-distribution of Seats, Res. 549
Fisheries (Oysters, Crabs, and Lobsters), 821
Mercantile Marine—Holyhead Harbour—Wreck of the Steamship "Edith," 1665
Scotch Herring Fisheries, 813
Supply—Report, 1548
Wreck Commissioner, Office of, 1294, 1358, 1359

STANLEY OF ALDERLEY, Lord

Imbecile, Lunatic, and other Afflicted Classes (Ireland), 2R. Bill withdrawn, 793
Married Women's Property Act (1870) Amendment, 2R. 80
Russia and the Porte—Circular Despatch of the Ottoman Government, Motion for Papers, 1506
Russia and Turkey—The War—Excesses by the Russian Army, 477

STANLEY, Hon. Captain F. A. (Financial Secretary for War) Lancashire, N.

Army—Numerical Titles of Line Regiments, 252
Army Estimates—Militia Pay and Allowances, 636

STANSFELD, Right Hon. J., Halifax

County Franchise and Re-distribution of Seats, Res. 519

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott

Amendt. on Committee of Supply July 16, To leave out from "That," and add "having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State" (*Mr. John Holms*) v., 1330 ; after debate, Question put, "That the words, &c.;" A. 152, N. 156 ; M. 4 (D. L. 233)
Words added ; main Question, as amended, put, and agreed to

Personal Statement, The Earl of Beaconsfield ; Observations, Earl Granville ; short debate thereon July 19, 1877

Resolution of 16th July, Observations, The Chancellor of the Exchequer ; short debate thereon July 20, 1864

Orders of the Day postponed ; Resolution [16th July] read

Moved, "That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanations concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution" (*Sir Walter B. Barttelot*), 1690 ; after long debate, Question put, and agreed to

STEWART, Mr. M. J., Wigton Bo.

Army Estimates—Volunteer Corps Pay, &c. 646
Church Rates Abolition (Scotland), 2R. Amendt. 1430
Colorado Beetle, 410
Game Laws (Scotland) Amendment, Lords' Amendt. Consid. 1241
Locomotives on Common Roads, 2R. 55
Supply—Public Education, Scotland, 1218

STORER, Mr. G., Nottinghamshire, S.

Locomotives on Common Roads, 2R. 55

Straits Settlements

The Malay Peninsula—Expenses of the Campaign, Question, Sir Charles W. Dilke ; Answer, Mr. J. Lowther July 17, 1867

Sugar Convention of 7th March

Question, Mr. Thornhill; Answer, Mr. Bourke
June 25, 201

SULLIVAN, Mr. A. M., Louth Co.

Highways, 196

Intoxicating Liquors (Ireland), 2R. 1426,
1427, 1428, 1430, 1433, 1447, 1462, 1468

Magistracy (Ireland)—Mr. Anketell, 92, 1046

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 372, 373, 708; Motion for Adjournment, 1182

South Africa, Consid. Preamble, 1817

Supply—Public Education, Ireland, 1231

Supreme Court of Judicature (Ireland), Consid. 163; *cl.* 8, 268

Superannuation Act Amendment Act, 1873**—Departmental Circulars**

Resolution (*Mr. Boord*) June 22, 176

[House counted out]

Amendt. on Committee of Supply July 2, To leave out from "That," and add "it is unjust that Departmental Circulars should be issued in such a form, or so interpreted as practically to repeal or modify the operation of an Act of Parliament; and that it is expedient that those persons who have been debarred from participation in the benefits of 'The Superannuation Act Amendment Act, 1873,' by the War Office Circulars dated the 29th August and the 17th December 1861, and numbered 709 and 729 respectively, should be restored to the position they would have occupied had such circulars never been issued" (*Mr. Boord*) *v.*, 618; after short debate, Question, "That the words, &c." put, and agreed to

Superannuation (Mercantile Marine Fund Officers) Bill

(*Mr. Raikes, Mr. William Henry Smith, Sir Charles Adderley*)

c. Considered in Committee June 25

Resolution reported, and agreed to; Bill ordered * June 26

Read 1^o * June 29

[Bill 224]

SUPPLY**MISCELLANEOUS QUESTIONS**

Civil Service Estimates—The Education Votes—Departmental Statement—Rules and Practice of the House, Observations, Viscount Sandon; short debate thereon July 10, 1047
Votes on Account, Observations, Mr. Rylands; short debate thereon June 28, 463

SUPPLY

Considered in Committee June 25, 254—ARMY ESTIMATES—Committee *R.F.*—Resolution reported June 26

Considered in Committee June 28, 470—CIVIL SERVICE ESTIMATES AND REVENUE DEPARTMENTS, £1,327,910 ON ACCOUNT—Resolution reported June 29

SUPPLY—cont.

Considered in Committee July 2, 623—ARMY ESTIMATES—After very long debate and many Divisions [House counted out at *a.m.* 7.15]

Considered in Committee July 5, 830—ARMY ESTIMATES—ARMY (INDIAN HOME CHARGES)—ARMY PURCHASE COMMISSION—Resolutions [2nd and 5th July] reported July 6, 921

First Seven Resolutions agreed to

Eighth Resolution

Amendt. to leave out "£2,986,000," and insert "£2,985,885" (*Mr. Boord*) *v.*; after short debate, Question put, "That '£2,986,000,' &c.;" A. 146, N. 59; M. 87 (D. L. 229)

Further Proceeding adjourned

Further Proceeding resumed July 9

Eighth Res. agreed to

Res. 9 to 25 agreed to

Considered in Committee July 6, 917—NAVY ESTIMATES—Resolutions reported July 9

Considered in Committee July 10, 1079—CIVIL SERVICE ESTIMATES—Departmental Statement of Viscount Sandon in moving VOTE 1—CLASS IV.—EDUCATION, SCIENCE, AND ART—Committee *R.F.*—Resolutions reported July 11

Considered in Committee July 12, 1204—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Resolutions reported July 16

Considered in Committee July 13, 1278—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—CLASS III.—LAW AND JUSTICE—Committee *R.F.*—Resolutions reported July 16

Considered in Committee July 16, 1358—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Resolutions reported July 19, 1548
First Resolution brought up, and read the first and second time

Moved, "That this House doth agree with the Committee in the said Resolution;" Moved, "That the Debate be now adjourned" (*Mr. Parnell*); after short debate, Question put; A. 16, N. 98; M. 82 (D. L. 238)

Question, "That this House doth agree with the Committee in the said Resolution" put, and agreed to; The next 13 Resolutions agreed to

Res. 15, 17, 26 postponed

Res. 16, 18 to 25, 27 to 31 agreed to

Considered in Committee July 17, 1392—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES—CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES—CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS—REVENUE DEPARTMENTS—Committee *R.F.*
Resolutions reported July 18

First Twenty-seven Resolutions agreed to

Twenty-eighth Resolution postponed

Subsequent Resolution agreed to

Postponed Resolution to be considered Tomorrow

Postponed Resolution (38.) £12,969, TEMPORARY COMMISSIONS, considered and, after short debate, agreed to July 19, 1548

[cont.]

Supreme Court of Judicature (Ireland)

Bill (*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

- c. Committee (*on re-comm.*)—*r.p.* June 19, 32
- Committee (*on re-comm.*)—*r.p.* June 22, 156
- Committee (*on re-comm.*)—*r.p.* June 26, 262
- Committee (*on re-comm.*)—*r.p.* July 5, 864
- Committee (*on re-comm.*)—*r.p.* July 19, 1536
- Committee (*on re-comm.*)—*r.p.* July 20, 1572
- Committee (*on re-comm.*) July 20, 1636; Committee report no Progress
- Committee (*on re-comm.*); Report July 21, 1630 [Bills 66-184-260]

TALBOT, Mr. J. G., Kent, W.
Army Examinations, 86

Tasmanian Main Line Railway Bill
[Lords]

- c. Order for 3R. read July 5, 812; Bill read 3°

TAYLOR, Mr. P. A., Leicester Bo.
Metropolis Buildings Acts—Height of Building, 1856
Navy—Miscellaneous Questions
H.M.S. "Alexandra," 85
H.M.S. "Repulse," 399
Retired Naval Officers, 818, 1178
Prisons, 3R. 11

Telegraphs (Money) Bill
(*Mr. Raikes, Lord John Manners, Mr. William Henry Smith*)

- c. Considered in Committee * June 29
- Resolution reported, and agreed to; Bill ordered; read 1° * July 4 [Bill 227]
- Read 2° * July 12
- Committee *; Report July 16
- Considered * July 17
- Read 3° * July 19
- l. Read 1° * (*The Lord President*) July 19
- Read 2° * July 24 (No. 152)
- Committee *; Report July 26

Thames River (Prevention of Floods) Bill
c. Question, Sir Charles W. Dilke; Answer, Sir James McGarel-Hogg June 21, 91; Question, Mr. Gordon; Answer, Sir Charles W. Dilke July 19, 1523

THORNHILL, Mr. T., Suffolk, W.
Sugar Convention, 201

Trade Marks Bill [H.L.]
(*The Lord Chancellor*)

- l. Read 2° * June 29 (No. 106)
- Committee * July 2
- Report * July 3
- Read 3° * July 5
- c. Read 1° * July 9 [Bill 242]

Trades Unions—South Yorkshire Miners' Association
Question, Mr. Sanderson; Answer, Mr. Assheton Cross July 5, 813

Training Colleges

Amend. on Committee of Supply July 10, To leave out from "That," and add "the English Education Code, by requiring that all students of training colleges receiving Government aid must reside within such colleges, a condition not imposed by the Scotch Code, and by withholding from graduates of universities the encouragement offered by the Scotch Code to enter on the profession of Elementary Teachers, tends to increase the cost of the erection and maintenance of these colleges, and to diminish the number of duly qualified teachers" (*Mr. Samuelson*) *r.*, 1053; Question proposed, "That the words, &c.;" after short debate, Question put: A. 191, N. 78; M. 43 (D. L. 229)

Tramways Bill [H.L.]
(*The Lord De Ros*)

- l. Presented; read 1° * June 29 (No. 124)
- Bill withdrawn * July 6

Tramways Orders Confirmation (Barton, &c.) Bill [H.L.] (*The Lord Elphinstone*)

- l. Report * June 19 (No. 61)
- Read 3° * June 21
- c. Read 1° * June 25 [Bill 218]
- Read 2° * June 29
- Committee *; Report July 9
- Read 3° * July 10
- l. Royal Assent July 23 [40 & 41 Vict. c. 134]

Treasury Chest Fund Bill
(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

- c. Ordered; read 1° * July 16 [Bill 263]

Treaties of Paris, 1856

Moved that an humble Address be presented to Her Majesty for extracts of any correspondence which has taken place since the 24th of April between Her Majesty's Government and other Powers as to the manner of fulfilling their engagements under the Treaties of Paris of 1856 (*Lord Stratheden and Campbell*) June 25, 179; after short debate, Motion withdrawn

TREVELYAN, Mr. G. O., Hawick, &c.
Army—Promotion and Retirement, 1666, 1667;
—Increase of Charges, 1861
County Franchise and Re-distribution of Seats, Res. 488

TURKEY

The Eastern Question

Austrian Policy—Protest of Count Andrassy, Question, Lord Robert Montagu; Answer, Mr. Bourke June 28, 401
Russia and England, Question, Observations, Mr. Whalley; Reply, The Chancellor of the Exchequer July 25, 1796
The British Ambassador at the Porte, Question, Mr. Rylands; Answer, Mr. Bourke June 21, 86

[cont.]

Turkey—cont.

Rumoured Intervention, Questions, Mr. Whalley; Answers, The Chancellor of the Exchequer July 9, 972; July 10, 1044

The Suez Canal, Question, Mr. Dillwyn; Answer, Mr. Bourke June 19, 4; Question, Mr. Gourley; Answer, The Chancellor of the Exchequer June 25, 192

English Occupation of Constantinople, Question, Mr. Monk; Answer, The Chancellor of the Exchequer July 9, 968

English Occupation of Gallipoli, Question, Mr. Callan; Answer, Mr. Bourke July 23, 1666; Question, The Marquess of Hartington; Answer, The Chancellor of the Exchequer July 23, 1668

The Mediterranean Fleet, Question, Earl Granville; Answer, The Earl of Derby July 3, 663; Question, Mr. W. E. Forster; Answer, The Chancellor of the Exchequer July 3, 668; Questions, Sir Wilfrid Lawson, Mr. Gourley; Answers, The Chancellor of the Exchequer July 6, 886; Observations, Sir Wilfrid Lawson; Reply, The Chancellor of the Exchequer July 6, 914

The Mediterranean Garrisons, Question, Earl Granville; Answer, The Earl of Derby July 23, 1652; Question, Mr. Whalley; Answer, The Chancellor of the Exchequer July 24, 1741

The Papers and Despatches

Lord Derby's Despatch of May 6, Questions, Mr. Whalley; Answers, The Chancellor of the Exchequer June 26, 260; July 5, 815

The War

Alleged Russian Atrocities, Question, Mr. R. Power; Answer, Mr. Bourke June 29, 485; Questions, Mr. Ritchie, Sir George Bowyer; Answers, Mr. Bourke, The Chancellor of the Exchequer July 12, 1175; Question, Mr. R. Power; Answer, Mr. Bourke July 19, 1517

Excesses by the Russian Army, Question, Observations, Lord Stanley of Alderley; Reply, The Earl of Derby June 29, 477

Asia Minor—Sir Arnold Kemball, Question, Mr. Laing; Answer, Mr. Bourke June 25, 195; Question, Mr. Callan; Answer, Mr. Bourke July 23, 1666

Hon. Colonel Wellestley, Military Attaché at Russian Headquarters, Question, Observations, Lord Dorchester; Reply, The Earl of Derby June 25, 177; Question, Lord Francis Conyngham; Answer, The Chancellor of the Exchequer July 2, 592; Observations, General Shute; Reply, Mr. Gathorne Hardy; short debate thereon July 9, 1031

The Sulina Mouth of the Danube, Question, Mr. Hanbury; Answer, Mr. Bourke July 19, 1526

Turkish Blockade of the Black Sea, Questions, Sir Charles W. Dilke; Answers, Mr. Bourke July 16, 1524;—*Neutral Vessels in the Black Sea*, Questions, Mr. Gourley, Sir Charles W. Dilke; Answers, Mr. Bourke July 17, 1388

War Intelligence—The Amoor of Kashgar, Question, Sir Charles W. Dilke; Answer, Mr. Bourke July 17, 1390

MISCELLANEOUS QUESTIONS

Alleged Outrages in Armenia, Question, Mr. H. B. Samuelson; Answer, Mr. Bourke July 23, 1664

Bosnia and Herzegovina, Question, Mr. Rylands; Answer, Mr. Bourke July 23, 1663

Bulgaria—The Protectorate of the Czar, Questions, Mr. E. Jenkins; Answers, Mr. Bourke July 16, 1319; July 24, 1743

Release of Bulgarian Prisoners, Question, Mr. Baxter; Answer, Mr. Bourke July 12, 1171

Roumania—Treatment of the Jews, Question, Mr. Serjeant Simon; Answer, Mr. Bourke June 28, 402

Turkey—Circular Despatch of the Ottoman Government

Moved that an humble address be presented to Her Majesty for, Copy of any answer from Her Majesty's Government to the circular despatch of the Ottoman Government to its representatives abroad, dated 25th January (*Lord Stratheden and Campbell*) July 19, 1491; after short debate, Motion withdrawn

Turkish Loan (1854)

Moved, "That, in the opinion of this House, the honourable obligations contracted in 1854 by the allied Governments of England and France towards the Turkish Bondholders of that year, will not permit a lengthened acquiescence of the British Government in the unsatisfactory reply received from the Ottoman Porte" (*Mr. Russell Gurney*) July 17, 1423 [House counted out]

Turnpike Acts Continuance Bill

(*Mr. Salt, Mr. Selater-Booth*)

c. Ordered; read 1st June 20 [Bill 204]
Read 2nd July 4

Union Justices (Ireland) Bill

(*Mr. O'Sullivan, Captain Nolan, Mr. Richard Power, Mr. O'Byrne*)

c. Moved, "That the Bill be now read 2nd" July 4, 752

Amendt. to leave out "now," and add "upon this day three months" (*Mr. De La Poer Beresford*); after debate, Question put, "That 'now,' &c.;" A. 36, N. 178; M. 142 (D. L. 217)

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months [Bill 28]

Union of Benefices Bill

(*Mr. Mills, Sir Harcourt Johnstone*)

c. Bill withdrawn * July 24 [Bill 95]

Union Rating (Ireland) Bill

(*Sir Joseph M'Kenna, Mr. Collins, Mr. O'Clery, Dr. Ward*)

c. Bill withdrawn * June 19 [Bill 33]

United States—The Philadelphia Exhibition—The Report

Question, Sir Henry Havelock; Answer Viscount Sandon July 12, 1181

Universities of Oxford and Cambridge Bill (*The Marquess of Salisbury*)

l. Read 1st June 19 (No. 114)
Moved, "That the Bill be now read 2nd"
July 3, 663

Amendt. to leave out all after ("That,") and insert ("that legislation with reference to the Universities will be premature unless preceded by an inquiry into the working of the changes effected as to the state, studies, and discipline of those Universities by the legislation of 1854 and 1856" (*The Lord Colchester*); after short debate, on Question, Whether the words, &c.; resolved in the affirmative; original Motion agreed to; Bill read 2nd

Committee^{*}; Report July 6 (No. 138)
Committee (*on re-comm.*) July 13, 1242

(No. 146)
Report July 17, 1384 (No. 151)
Read 3rd, after short debate July 19, 1490

University Education (Ireland) Bill

(*Mr. Butt, The O'Conor Don, Mr. Mitchell Henry, Mr. MacCarthy, Mr. Sullivan*)

c. Moved, "That the Bill be now read 2nd"
July 26, 1863

Amendt. to leave out "now," and add "upon this day three months" (*Mr. David Plunket*); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 55; N. 200; M. 145 (D. L. 253)

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months [Bill 55]

Vaccination Act

Penalties, Question, Mr. Greene; Answer, Mr. Solater-Booth June 28, 397

Prosecutions—Case of *Joseph Abel*, Question, Mr. Hopwood; Answer, Mr. Asheton Cross June 25, 194; Question, Mr. Pennington; Answer, The Attorney General June 28, 405

Vaccination

Moved, "That it is expedient that an inquiry should be instituted into the practice of vaccination, for the purpose of ascertaining whether it cannot be conducted in a more satisfactory manner than it is at present" (*Earl Percy*) July 3, 732

Amendt. to add, at the end of Question, "and whether the Law relating to the accumulation or repetition of penalties for the same offence does not require amendment" (*Mr. Pease*); Question proposed, "That those words, &c.;" after short debate, Question put, and agreed to

Main Question, as amended, put; A. 56, N. 106; M. 50 (D. L. 216)

Valuation of Land and Hereditaments Bill (*Mr. Ramsay, Sir Graham Montgomery, Mr. Baxter, Mr. Rodwell, Mr. Joseph Cowen, Mr. Maitland*)

c. Ordered; read 1st July 18 [Bill 256]

Valuation of Property Bill

(*Mr. Solater-Booth, Mr. Chancellor of the Exchequer, Mr. Salt*)

c. Bill withdrawn^{*} July 19 [Bill 63]

Valuation of Property (Ireland) Bill

(*Mr. William Henry Smith, Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

c. Bill withdrawn^{*} July 19 [Bill 102]

VERNER, Mr. E. W., Armagh Co.

Locomotives on Common Roads, 2R. 54

Party Processions (Ireland)—Orange Procession at Lurgan, 1852

Supreme Court of Judicature (Ireland), Consid. cl. 74, 1581

Union Justices (Ireland), 2R. 757

VIVIAN, Mr. H. Hussey, Glamorganshire

Burials Question, 1181

Society of the Holy Cross—"The Priest in Absolution," 1174, 1175

WAIT, Mr. W. K., Gloucester

Italy and Albania, 1661

Law and Justice—Stokesley County Courts, 1858

Metropolitan Police—Gratuities for Special Service, 1738

WALKER, Colonel O. O., Salford

India Tariff—Import Duties on Cotton Manufactures, Res. 1097

WALTER, Mr. J., Berkshire

Divine Worship Facilities, 2R. 781

Supply—Broadmoor Criminal Lunatic Asylum, 1368, 1371

Vaccination, Res. 749

WARD, Dr. M. F., Galway

Army Medical Officers Retirement, 1176

Estimates, The, 1876-7—Writ and Seal Office (Ireland), Res. 1030

Supply—Local Government Board, Ireland, 1237

Public Education, Ireland, 1232

Supreme Court of Judicature (Ireland), Consid. 35; cl. 8, 266; cl. 13, Amendt. 279; Amendt. 854; Amendt. 855, 857

WATKIN, Sir E. W., Hythe

Post Office Telegraph Department, The Royal Engineers, 1324

WATNEY, Mr. J., Surrey, E.
Thames Floods (Metropolis), 191

WAYS AND MEANS

MISCELLANEOUS QUESTIONS

Inland Revenue

Grocers' Licences, Question, Mr. Dalrymple ;
Answer, Mr. Asheton Cross July 19, 1871
Spirits in Bond, Question, Mr. O'Sullivan ;
Answer, The Chancellor of the Exchequer
July 10, 1841
Stamp Office at Monaghan, Question, Mr. Fay ;
Answer, Mr. W. H. Smith July 26, 1864

Succession Duty Act—Double Duties—"The Attorney General v. Charlton," Question, Sir Colman O'Loughlin ; Answer, The Attorney General July 5, 818

Ways and Means—Inland Revenue

Amendt. on Committee of Supply June 28, To leave out from "That," and add "the practice of imposing compulsorily on private individuals the duty of collecting Income Tax, Inhabited House Duty, and Land Tax, is unjust and inexpedient, and that Her Majesty's Government be requested to make provision for discontinuing it" (*Mr. Sampson Lloyd*) v., 412 ; after short debate, on Question, that leave be given to withdraw the Motion, there being several "Noes ;" Question, "That the words, &c.," put, and agreed to

WAYS AND MEANS

Considered in Committee July 9
Resolved, That, towards making good the Supply granted to Her Majesty for the year ending on the 31st day of March 1878, the sum of £20,000,000 be granted out of the Consolidated Fund of the United Kingdom
Resolution reported July 10
[See title *Consolidated Fund* (£20,000,000) *Bill*]

WHALLEY, Mr. G. H., Peterborough

Army Estimates—Military Law, Administration of, 627
Reserve Force Pay, &c. 655, 657 ; Motion for Adjournment, 661, 662, 830, 831
Volunteer Corps Pay, &c. 649
Yeomanry Cavalry Pay, &c. 643
Church of England Endowments, Res. 1128
Church Patronage, Res. 318
Confessional, The—"The Priest in Absolution," 407 ; Res. 750, 946, 967
Convict Prisons—Discipline and Management, Address for a Royal Commission, 1272, 1273
Divine Worship Facilities, 2R. 777
East India Loan, 2R. 845
Education Department—The Confessional, 359
England and Russia—The Mediterranean Garisons, 1741, 1796
Factors Act Amendment, Comm. 868
Navy—Naval Chaplains—The Society of the "Holy Cross," 971
Obscene Publications—Lord Campbell's Act, 265

WHALLEY, Mr. G. H.—cont.

Parliament—Privilege—Reflections in this House, 827, 828
Public Business, 688, 689
Parliament—Business of the House, Res. 868, 1674
Russia and Turkey—Intervention, 972, 1044
Lord Derby's Despatch of May 6, 260, 815
Solicitors Examination, &c. Comm. 867
South Africa, 2R. 1000, 1601 ; Consid. Preamble, 1801, 1827, 1842
Supply—Public Education, Scotland, 1220
Supreme Court of Judicature (Ireland), Consid. cl. 18, 863 ; Motion for Adjournment, 864
University Education (Ireland), 2R. 914

WHEELHOUSE, Mr. W. St. James, Leeds
Locomotives on Common Roads, 2R. 45
Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 328

WHITBREAD, Mr. S., Bedford

Parliament—Business of the House, Res. 1679
South Africa, Consid. Preamble, 1815

WHITWELL, Mr. J., Kendal

Supply—Admiralty Registrar and Marshal Probate, &c. of the High Court of Justice, 1293
Police, Counties and Boroughs, Great Britain, 1364
Wreck Commissioner, Office of, 1358
Supreme Court of Judicature (Ireland), Consid. add. cl. 1637

WHITWORTH, Mr. B., Kilkenny

Sale of Intoxicating Liquors on Sunday (Ireland), Re-comm. 724, 725

WHITWORTH, Mr. W., Newry

Navy—English Officers in the Turkish Service, 1043

WILLIAMS, Mr. W., Denbigh, &c.

Intoxicating Liquors (Licensing Boards), 2R. 1476
Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Res. 1344

WILMOT, Sir J. E., Warwickshire, S.

Criminal Law—Case of Frances Isabella Staland, 822
Supreme Court of Judicature (Ireland), Consid. cl. 10, 273

WILSON, Mr. C. H., Kingston-upon-Hull
Locomotives on Common Roads, 2R. 48

Wine and Beerhouse Act (1869) Amendment Bill [Bill 177]

(*Mr. Staveley Hill, Mr. Mundella*)

c. Moved, "That the Bill be now read 2^d"
July 9, 1868

Moved, "That the Debate be now adjourned"
(*Lord Frederick Cavendish*); after short debate, Motion agreed to; Debate adjourned

WOLFF, Sir H. D., *Christchurch*

Criminal Law—Importation of Italian Children, 596

Navy—New Naval College, Dartmouth, 1179, 1519, 1660

Turkey—Bosnia—Despatch of Consul Holmes, 1020

WYNDHAM, Hon. P. S., *Cumberland, W.*

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Rescinding of Res. 1703

WYNN, Mr. O. W., *Montgomeryshire*
Law and Justice—The Assizes, 195, 486

YEAMAN, Mr. J., *Dundee*

Supply—Public Education, Scotland, 1230

YORK, Archbishop of

Public Worship Regulation Act, Petition, 222

YORKE, Mr. J. R., *Gloucestershire, E.*

Army Estimates—Works, Buildings, &c. 857
Sale of Intoxicating Liquors on Sunday (Ireland), 1193

South Africa, Consid. Preamble, 1813

Stationery Office, Controller of the—Appointment of Mr. T. D. Pigott, Rescinding of Res. 1698

END OF VOLUME CCXXXV., AND FOURTH VOLUME OF
SESSION 1877.

My name
is, Mr.

to
Society

Let, Mr.

My name
is, Mr.

to
Society



